

REMARKS

Non-Consideration Of References Cited:

It is noted that a large number of references were not considered by the Examiner. In particular, references 23 through 47 of the IDS (Form 1449) having USPTO stamped date of June 23, 2000 are not initialed. It is requested these references be considered.

Additionally, all supplemental references (items 113 through 121) of the above cited IDS are lined through, presumably indicating that they have not been considered. The Examiner has requested additional copies of the references on page 6, paper #3 since these references have not been considered. Presumably, the references that the Examiner is referring to are items 113 through 121 mentioned above. Accordingly, the items 113 through 121 are provided herewith.

It is respectfully requested that since the present application is a continuation of now U.S. Patent Nos. 5,823,879 and 6,183,366, the Examiner consider all the references submitted from all previous applications for which the present application claims priority. Moreover, it is respectfully requested that another copy of the IDS referred to above be transmitted to the Applicant's representative, wherein all references on this IDS are initialed as an indication that they have been considered by the Examiner.

Accordingly, if for any reason the above noted unconsidered references or any other unconsidered references are not to be considered, it is respectfully requested that the Examiner contact the Applicant's representative by phone.

Requested Changes to the Abstract:

The Examiner has indicated that the Abstract is too long, and must be within the range of 50 to 150 words. Enclosed herewith is a new abstract having an appropriate length.

Claim Objections.

The Examiner's objection regarding the numbering of claims has been noted with thanks. The Examiner's numbering of the claims will be used herein.

Trademark/Trade Name in Claims

The Examiner has asserted that the term "Internet" is a trademark/trade name. Since the definition of Trademark in MPEP 608.01(v) does not apply to the term "Internet", it is assumed that the Examiner believes the term "Internet" is a Trade name. The following is stated in MPEP 608.01(v):

"Names Used in Trade: a nonproprietary name by which an article or product is known and called among traders or workers in the art, although it may not be so known by the public, generally. Names used in trade do not point to the product of one producer, but they identify a single article or product irrespective of producer.

Names used in trade are permissible in patent application if:

(A) **Their meanings are established by an accompanying definition which is sufficiently precise and definite to be made a part of a claim, or**

(B) In this country, their meanings are well-known and satisfactorily defined in the literature.

Condition (A) or (B) must be met at the time of filing of the complete application."

It is believed that the term "Internet" was satisfactorily defined in the literature at the time of filing. There are numerous similar definitions of the Internet that are appropriate for the present application. However, before providing examples of such definitions, there is further evidence that the meaning of the term "Internet" is well-known and satisfactorily defined in the literature". In particular, according to searches performed on the USPTO database of issued U.S. patents, there were 123 U.S. Patents issued having the term "Internet" in their claims, wherein these patents were filed prior to Jan. 26, 1996 (which is the filing date of one of the Provisional Patent Applications for which the present application claims benefit). Moreover, by the filing date (Dec. 3, 1996) of the non-provisional patent application (now U.S. Patent No. 5,823,879) of which the present application is a continuation, there were 521 U.S. Patents issued having the term "Internet" in their claims. Additionally, by the filing of the complete present application (Feb. 11, 2000) there were 2,790 U.S. Patents issued having the term "Internet" in their claims. Moreover, even in the Reilly reference that the Examiner cites as prior art, the term "Internet" is used in the claims (e.g., Claim 17 of Reilly). Accordingly, it is

believed that on this evidence alone that the USPTO has recognized that the term "Internet" is "well-known and satisfactorily defined in the literature".

Additionally, the United States Federal Networking Council (FNC) which was a forum for networking collaborations among U.S. Federal agencies to meet their research, education, and operational mission goals provided a definition of the term "Internet" on Oct. 24, 1995. The agreed upon definition of the term "Internet" was published in the *Internet Monthly Reports, October 1995* as follows:

"The Federal Networking Council (FNC) agrees that the following language reflects our definition of the term "Internet".

"Internet" refers to the global information system that –

(i) is logically linked together by a globally unique address space based on the Internet Protocol (IP) or its subsequent extensions/follow-ons;

(ii) is able to support communications using the Transmission Control Protocol/ Internet Protocol (TCP/IP) suite or its subsequent extensions/follow-ons, and/or other IP-compatible protocols; and

(iii) provides, uses or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described herein.'

This definition was developed in consultation with the leadership of the Internet and Intellectual Property Rights (IPR) Communities. The FNC expects that the definition may be included in legislation which is currently before the Congress."

Moreover, this definition is cited frequently as a definition of the term "Internet". The Examiner is invited to explore such definitions on the Internet via an Internet search engine such as Google at www.google.com.

Additionally, the following definition of the term "Internet" is defined in the Dictionary of Science and Technology:

1. any network that connects other networks.

2. Internet. a large network of this type that covers the U.S. and extends to Canada, Europe, and Asia, providing connectivity between governments, universities, and corporate networks and hosts.

Dictionary of Science and Technology

<http://www.academicpress.com/inscight/04151998/interne1.htm>.

Additionally, the Federation of American Scientists (website URL: www.fas.org) defines the Internet as follow:

The Internet is "the sum of all the e-mail addresses and informational Web sites in existence at any moment in time."

Accordingly, it is believed that the term "Internet" is well-known and satisfactorily defined in the literature of this country. Moreover, for the meaning of the term "Internet" herein, it is believed that any communications network that satisfies any of these three definitions denotes the Internet in the context of the claims herein.

Double Patenting Rejections.

The Examiner has rejected Claims 97 through 103 under the judicially created doctrine of obviousness-type double patenting. A terminal disclaimer is provided, if necessary to overcome the Examiner's double patenting rejections. However, Applicant's representative believe such a terminal disclaimer is inappropriate if the Examiner persists in also asserting Reilly as prior art for rejecting pending claims. This is discussed in further detail hereinbelow.

Claim Rejections under 35 USC 103

The Examiner has rejected Claims 97-100 and 102-103 under 35 U.S.C 103(a) as being unpatentable over Marsh et al, or Reilly et al.

Regarding these U.S.C. 103(a) rejections, the Examiner states:

"Marsh or Reilly teach the features of advertising via the Internet by allowing the user to access the Internet via an Internet service provider; presenting a first advertisement while the user is viewing a Web page or various data via the Web;

transmitting data (the user's input from clicking on the advertisement) in response to the presentation of the advertisement; and second, and subsequent, presenting of various other types of advertisement presentations. ... The references are silent on explicitly teaching the second presentation being determined using the data input by the user. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Marsh or Reilly in order to present new advertisements of specific interest to a particular user. It is well known in the art of Internet advertisement to obtain demographic data of Internet users and send advertisements that are deemed to be of interest to that particular user."

Obviousness Assertions By The Examiner:

The Examiner has stated that:

"The references are silent on explicitly teaching the second presentation being determined using the data input by the user. However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Marsh or Reilly in order to present new advertisements of specific interest to a particular user. It is well known in the art of Internet advertisement to obtain demographic data of Internet users and send advertisements that are deemed to be of interest to that particular user."

There are two important points to be brought to the Examiner's attention. First, there are numerous court case indicating that a collection of references cited for maintaining an obviousness rejection must teach all the elements in the rejected claim, the prior art references must be able to be combined to yield the claimed invention, and there must be some prior art reference with explicit teaching for combining the claim elements. Moreover, an obviousness must not be based on an "obvious to try" criteria. A few discussions of court rulings on obviousness are as follows:

A rejection based on §103 clearly must rest on a factual basis, and these facts must be interpreted *without hindsight reconstruction* of the invention from the prior art. In

making this evaluation, all facts must be considered. The Patent Office has the initial duty of supplying the factual basis for its rejection. It may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis. Furthermore, "the mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." In re Fritch, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

It is also well established that the mere fact *that individual elements of the invention are old can be found in the prior art is irrelevant*. The Federal Circuit reiterated this rule in Grain Processing Corp. v. American Maize Products Co., 5 USPQ2d 1788 (Fed. Cir. 1988).

It is also well established that the Examiner *should not be able to pick and choose individual elements from multiple references to recreate the invention*. Polaroid Corp. v. Eastman Kodak Co., 229 USPQ 561 (Fed. Cir.), cert. denied, 479 U.S. 850 (1996).

Courts have advocated that even if the prior art may be modified as suggested by the Examiner, the modification is not obvious unless the prior art suggests the desirability for the modification. In re Fritch, 23 USPQ2d 1780 (Fed. Cir. 1992) ("*mere fact that prior art may be modified to reflect features of claimed invention does not make modification, and hence the claimed invention, obvious* unless desirability of such modification is suggested by prior art). Citing In re Gordon, 221 USPQ at 1127.

The motivating suggestion must also be explicit. Winner International Royalty Corporation v. Wang, 48 USPQ2d 1139 (D.C. D.C. 1998) ("there must have been some explicit teaching or suggestion in the art to motivate one of even ordinary skill to combine such elements so as to create the same invention").

The Federal Circuit has provided clear direction with respect to arguments based on an "obvious to try" theory. The court has held that an "obvious to try" situation exists when a general disclosure may pique a scientists curiosity, such that further investigation might be done as the result of a disclosure, but the disclosure itself does not contain a sufficient teaching of how to obtain the desired result, or that the claimed result would be obtained if certain directions were pursued. In re Eli Lilly & Co., 14 USPQ 2d 1741, 1743 (Fed.Cir. 1990). The court held, however, that *"obvious to try" is not to be equated with obviousness under 35 U.S.C. §103*. See Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ 2d 1923, 1928 (Fed.Cir. 1990).

Additionally and importantly, in the recent CAFC court case of Jan. 18, 2002: In re Sang Su Lee, 61 USPQ2d 1430 (Fed. Cir. 2002), the United States Court Of Appeals For The Federal Circuit, ruled that an obviousness determination may not substitute "common knowledge" of one skilled in the art for specific evidence that the prior art suggests an invalidating combination of references. Note, that the CAFC ruled against both the patent examiner and the USPTO Board of Appeals in this case.

Regarding the second important point referred to above, the invention of the present application is no later than January 26, 1996 which is the filing date of the U.S. Provisional Application No. 60/010,703 for which the present application claims priority. This will become evident from the discussion hereinbelow.

Accordingly, if the Examiner is to persist in asserting his obviousness rejections, among other things, specific evidence must be provided that one of ordinary skill in the art would appreciate regarding the teaching of "the second presentation being determined using the data input by the user", the obtaining of "demographic data of Internet users and send advertisements that are deemed to be of interest to that particular user, and the motivation for combining these aspects with the other aspects of the claims rejected on obviousness grounds (i.e., Claims 97-100 and 102-103).

Moreover, note that it is believed the discussion hereinbelow will clearly show that Marsh is **not** prior art for the present patent application in that the above cited Provisional Patent

Application No. 60/010,703 (also denoted herein the '703 Application) provides support for all independent claims to which Marsh might otherwise be thought to apply.

The Examiner further rejects Claim 103 stating that:

"The references are silent about the feature of the activation of the play of a game through the network service. However, it is well known to play games via the Internet.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include a game web site as the particular type of web site accessed in Marsh or Reilly as an obvious matter of choice will within the functional capability of the systems of Marsh or Reilly."

Again if the Examiner is to persist in asserting that the playing of games via, e.g., the Internet in combination with advertising (and more specifically on-line games that are interactive on the Internet during the game) are obvious, then specific evidence must be cited. Moreover, such evidence must at least pre-date the filing date January 19, 1996 of the U.S. Provisional Patent Application Serial No. 60/010,361 (herein also denoted the '361 Application) for which the present application also claims benefit in that this provisional discloses such aspects. The following quotes from this provisional are illustrative (note, explanatory comments are in curly brackets "{ " " }").:

"The present invention is a blackjack gaming method and apparatus wherein a plurality of blackjack players may play blackjack continuously and asynchronously, and wherein each blackjack game is likely to be unique from all other blackjack games being played concurrently. Furthermore, the present invention is automated so as to not require a manual dealer. Also, the present invention may be played, in one embodiment, in a gaming establishment using low cost blackjack gaming stations at which blackjack players may play blackjack entirely electronically. Furthermore, in another embodiment, the present invention may used to *play blackjack on the Internet*. In this later embodiment, *a blackjack game controller* for the present invention *communicates with blackjack players at Internet client nodes via a web site from which the blackjack game controller is accessed*. Thus, blackjack players may play blackjack in the privacy of their own homes and at their

leisure since the present invention does not require that a particular tempo of a blackjack game be maintained.” (Page 6, Line 16 to Page 17, Line 7).

“*Fig. 1 is a blocked diagram of an embodiment of the present invention wherein this embodiment may be used within a blackjack gaming establishment such as a casino;*” (Page 7, lines 13-15)

“*Fig. 3 is a blocked diagram of an alternative embodiment of the present invention wherein the present invention is used to play blackjack on the Internet;*” (Page 7, lines 19-21).

“In the blackjack gaming system 10 {of Fig. 1}, *the blackjack game controller 14 functions substantially as a dealer would in a manually operated blackjack game*” (Page 8, lines 12-15).

“*Fig. 3 presents a second embodiment of the blackjack gaming system of the present invention. In this embodiment, the blackjack game controller 14 is substantially the same as described hereinabove. However, this controller 14 is now accessible through an Internet web site 308 so that blackjack players at Internet client nodes 318 can play blackjack on the blackjack game controller 14 via the Internet 324 (or more particularly, via the World Wide Web).*” (Page 27, Line 24 through Page 28, line 5).

“Accordingly, describing the web site 308 in more detail, it includes an Internet interface 332 for receiving and supplying communications between the Internet 324 and the remainder of the web site 308. The Internet interface 332, in turn, communicates with World Wide Web server 340: (a) for validating and/or initiating registration of web site users (e.g., blackjack players) at web site 308; and (b) for interpreting Internet requests for routing and/or activating web site 308 modules that can fulfill such requests. Thus, the World Wide Web server 340 may

access the database system 28 for determining the registration identity of, for example, a blackjack player. Additionally, upon receiving user registration confirmation regarding an Internet (e.g., World Wide Web) request, the World Wide Web server 340 activates instantiations of modules known as common gateway interface (cgi) scripts, each cgi script 348 instantiation (or, for simplicity, each such instantiation also being referred to as a cgi script 348) being: (a) for interpreting and processing Internet requests according to the semantics of a web site 308 application associated with the cgi script; and (b) for constructing Internet responses from output from the associated application. Thus, *there are one or more common gateway interface modules provided wherein each cgi script 348 (instantiation) invokes the blackjack game controller 14 to process a single Internet blackjack request from an Internet client node 318 where a player is playing blackjack, and subsequently the cgi script 348 constructs an appropriate Internet response from the output received from the blackjack game controller 14.*" (Page 28, line 6 through Page 29, line 8).

"There may be *other types of information output to an Internet client node 318* in addition to the information displayed in Fig. 3. *In particular, advertising information may be provided* with each web site 308 response to a player regarding, for example, blackjack tournament sponsors and prizes." (Page 31, Lines 10-16).

For the Examiner's convenience a copy of the '361 Application is provided herewith.

It is also believed worthwhile to call to the Examiner's attention that the state of the art related to networks such as the Internet at the beginning of 1996 was VERY different from the Internet as it is today. To provide evidence of this, a substantial number of new references are provided in an Information Disclosure Statement filed concurrently with this Amendment and Response. Moreover, since it is believed very important that specific references be provided so that both the Applicant and the public have a clearer understanding as to the scope of the claims in the present application, the Applicant and the Applicant's representative have searched diligently for prior art related to the present application (as evidenced by the large amount of

prior art references submitted) and have not located references that are believed to preclude patentability of the new and amended claims provided herewith.

35 USC 103 Rejections Based on Marsh:

Regarding the Examiner's rejections based on Marsh, it is respectfully noted that the present application claims the benefit of U.S. Provisional Patent Application No. 60/010,703 filed Jan. 26, 1996 which precedes the priority date of Marsh (i.e., April 19, 1996). It is further respectfully submitted that this '703 Application discloses the invention recited in the rejected claims (as originally filed), as well as the amended and the new claims provided herewith to which Marsh might otherwise be thought to apply. Thus, for example, Marsh is not prior art to the Claims 97-103 (whether amended or otherwise), and is not prior art to any of the new claims provided herewith. To support this assertion, the Examiner is invited to review the attached copy of this provisional patent application. However to assist the Examiner, it is requested that the Examiner consider the following quotes from this provisional:

- (a) "The present invention is an information exchange system (i.e., method and apparatus) *for exchanging information regarding goods and/or services* between a first population of users (hereinafter also known as "players") and a second population of users (hereinafter also known as "sponsors"). In particular, the sponsors may *present information related to goods and/or services* to the players using the present invention and the players may view this information while interacting with the present invention for playing a game such as blackjack, craps, roulette, poker, pai gow or the like. Moreover, *a player may also interact with the present invention so that the player has the capability for responding to sponsor presentation questionnaires, as well as for purchasing or viewing sponsor goods and/or services.* Thus, the present invention provides an information exchange service within a gaming context for enticing players to view and/or interact with sponsor presentations." (page 1, lines 4-20)
- (b) "Accordingly, in a related aspect of the present invention, it is intended that players are able to interact with the present invention remotely, as for example, via the

Internet and/or interactive cable television. Thus, using an Internet embodiment as an exemplary embodiment of the present invention, a gaming web site may be provided wherein *players may access the interactive gaming capabilities of the present invention and substantially simultaneously also be presented with sponsor provided information related to goods and/or services of the sponsor.* Moreover, *the sponsor provided information may include, for example, hypertext links that allow players to activate such a link for obtaining additional information regarding a sponsor's goods and/or services regardless of the status of any game in which a player may be currently involved at the gaming web site.*" (Page 2, lines 5-19)

- (c) "Fig. 2 is a block diagram of an alternative embodiment of the present invention wherein an advertisement sending daemon 204 (on the host computer 10) and an advertisement receiving daemon 208 (on the client end used machine 14) communicate *for periodically displaying advertisements* and other announcements to a user on the end user machine 14" (Page 5, lines 11-16)
- (d) "The user may be provided the ability to link into various web sites or web site pages. The user has the ability to link into another site or page at any time a link is made available (typically a *hypertext link*). *Note that such links are accessible by users both while playing a game* and otherwise by, for example, accessing an index page, denoted index 62 (Fig. 3). Also note that *some advertisements may be interactive with the user* wherein the user may perform a transaction such as making a reservation upon accessing the advertisement and a web site or page." (Page 7, lines 19 through page 8, line 7)
- (e) "While playing a game, the user has the ability to link into the advertiser being presented." (Page 9, lines 22, 23)

- (f) "Note that the host 10 *periodically sends an item* to the downloaded daemon 208 to display [at a user's node]. *The daemon then displays the message (advertisement) in the window on the user's screen.*" (Page 12, lines 6-9).

Moreover, to further assist the Examiner in comparing the support in the U.S. Provisional 60/010,703 with the pending claims in the present application, APPENDIX A included herewith provides an illustrative support from this provisional for each clause of pending Claims 98-104. Note, however, that it is believed that there are additional embodiments for supporting the claims pending in the specification of the present patent application beyond what is provided in the provisionals from which priority benefits are claimed.

Accordingly, it is believed that the Marsh reference is not prior art to the present application. Moreover, it is further believed that there can be no enabling disclosure from the assignee of the Marsh patent (e.g., Juno On-line Services) substantially earlier than the Marsh filing date of April 19, 1996 in that the Marsh reference was used as a priority document for the PCT patent application: WO9740447A1: METHOD AND APPARATUS FOR SCHEDULING THE PRESENTATION OF MESSAGES TO COMPUTER USERS, filed April 11, 1997 which is believed to have the same disclosure therein.

35 USC 103 Rejections Based on Reilly

The Examiner has also rejected Claims 97-100 and 102-103 as being unpatentable over Reilly et al. In rejecting these claims, the Examiner asserts that "... Reilly teach[es] the features of advertising via the Internet by allowing the user to access the Internet via an Internet service provider; presenting a first advertisement while the user is viewing a Web page or various data via the Web; transmitting data (the user's input from clicking on the advertisement) in response to the presentation of the advertisement; and second, and subsequent, presenting of various other types of advertisement presentations ...".

Presumably, the Examiner believes that the viewing of news stories as shown in Reilly corresponds to the "service" recited in the pending claims of the present application. However, it is important to note that the pending claims require on-line network interactivity. Moreover, in

Reilly such news stories are only viewed when the user is NOT interacting with the stories on the Internet. Indeed, it appears that the news stories provided by Reilly are entirely downloaded to each user's (i.e., "subscriber's") computer PRIOR to presentation to the users, and accordingly there is no disclosure or suggestion of presenting such news stories "interactively on the Internet". Evidence for this "batch-like" processing of the news stories will be evident from the passages of Reilly cited in various discussions hereinbelow. Moreover, it is noted that Reilly teaches against providing interactive transmissions on the Internet. In particular, Reilly makes it clear that regarding the presentation of the news stories at a user's computer, such presentations should not be provided via interactive transmissions on the Internet. Basically, Reilly teaches against such interactive transmissions because of the high transmission overhead that is incurred, thus the need for downloading all new stories (and most advertisements) separately from any interactivity with the user.

Reilly Passages Indicative Of Reilly's Off-Line Processing

The Examiner's attention is directed to Fig. 6 of Reilly (which the Examiner cited in his rejections), which is described as follows:

"FIG. 6 schematically depicts display generated on a subscriber's display device using the screen saver procedure in a preferred embodiment of the present invention." (Reilly, col. 3, lines 45-47).

This is evidence that Reilly is not directed to providing an on-line interactive service to the user in that screen savers are active only when there is no input by a user.

The Examiner's attention is also directed to Fig. 2 of Reilly, which is described as follows:

"FIG. 2 is a block diagram of a subscriber's computer in the information and advertising distribution system of FIG. 1." (Reilly, col. 3, lines 43-36).

It is important to note that Fig. 2 is a diagram of each client 102 (denoted herein as a "user's computer", "subscriber computer", and/or "user node") of Fig. 1. Moreover, each such client includes a "connection scheduler" 181 and a "profiler" 206. The following passage describes the tasks performed by the connection scheduler 181 and the profiler 206:

“The profiler 206 is actually a set of procedures that define and update the subscriber's user profile 194. Referring to FIG. 4, in the preferred embodiment, the user profile 194 includes: ... a connection schedule 215 that specifies to the connection scheduler 181 within the administrative manager 180 how often the subscriber's computer should connect to the information server 104 to update its information database 184;” (Reilly, col. 7, lines 45-64).

This passage is further evidence that Reilly is not directed to providing an on-line interactive service in that the connections to the information server 104 are determined by a “connection schedule” for scheduling “how often the subscriber’s computer” (and notably NOT the user) “should connect to the information server”.

The Examiner’s attention is also directed to Fig. 12 of Reilly, which is described as follows:

“FIG. 12 is a flow chart depicting the procedure for updating the local database and software modules of a subscriber's computer.” (Reilly, col. 3, lines 60-62)

It is important to note that this flowchart is indicative of the processing steps that are performed by a batch processing system rather than a system providing on-line interactive communications with a user. In particular, during an Internet connection to Reilly’s information server 104 *there is no indication whatsoever in Reilly of a capability for presenting either advertising or news stories while such communications with the information server 104 are taking place.*

The Examiner’s attention is also directed to Table 2 of Reilly (col. 15, line 54 to col. 16, line 35), wherein pseudo-code is provided for describing the processing performed when a user’s computer contacts the information server 104. It is important to note that this Table 2 shows that Reilly deletes information from the subscriber’s computer, then downloads new information, and only then updates the database of access tables 186 used in presenting both the news items and the advertisements: For example, prior to the last step of “Client updates data access tables”, the following step is performed:

“Client deletes items in its advertisement and script pools that are not included in the list received from the Server”.

Thus, since Reilly's access tables 186 are not updated to reflect such deletions until after all communications with Reilly's information server are terminated, Reilly can not present news items and/or advertising during this time because the access tables are inconsistent and accordingly not useable. Furthermore, apparently even newly downloaded news items and/or advertisements may be deleted so as to not exceed a "data storage limit". The following Reilly passages from Table 2 is illustrative:

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"Client (CMx.Fetch procedure) deletes items, in FIFO order,  
  for current category which (A) exceed data storage  
  limit in date, (B) exceed item count limit,  
  or (C) exceed specified age limit  
/* Item storage limits 221 for each category are defined in a portion  
  of the user profile 194 (see FIG. 4) */"
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Moreover, this Reilly passage points out Reilly's additional concern with conserving data storage on the subscriber's computer. Thus, since items are deleted in "FIFO order", presumably any of the pre-download news items and advertisements that were not eligible for deletion in the step cited above of "deleting items in its advertisement and script pools that are not included in the list received from the Server", may be now deleted due to storage limitations on the subscriber's computer. Thus, again Reilly can not update his system, and concurrently present news items and/or advertising.

General Descriptions Of Embodiments Of Reilly

To appreciate the inherent off-line aspects of Reilly, as well other features, it is important to note that Reilly is directed to what is known in the art as "channels." Channels, in the present context, are typically programs for presenting informational items (news items, and/or advertisements) that are downloaded from the Internet, and subsequently presented to the user while the user is not interacting with his/her computer. In general, channels present the informational items to a user as a screen saver, wherein the informational items have been downloaded from a previous Internet connection with an Internet information server site, and presented to the user at later time when, e.g., certain criteria are met by the user's computer such as the computer receiving no user input for a given time period.

The following are quotes related to channel technology, and in particular, the channels of PointCast which is the assignee of the Reilly patent. Moreover, these quotes are believed to be directed to embodiments of the Reilly patent:

(A) "People are watching Pointcast because of its novel application called "off-line delivery," a technology that periodically logs onto the Internet and retrieves only the information that users have selected and stores it on the Pointcast "channel viewer," which also acts as a screen saver program." (Source: New York Times, as obtained from "ADMEDIUM Newsletter", Dept of Advertising of the University of Texas at Austin, Oct. 1, 1996 Issue.)

(B) The following reference describes the PointCast's technology as a "push" and "pull" system, wherein information is "pushed" to a client and/or pulled by a client automatically on, e.g., an hourly basis. It is believed that neither the push nor the pull could be described as on-line interactivity in that both are performed "automatically". Note that the term "receiver" in the following quote is believed to be, e.g., a user's Internet node, and that the term "backchannel" is believed to refer to responsive communications from a user's Internet enabled computer to a PointCast Internet information server node. The entire article from which the following quote is taken is provided in an Information Disclosure Statement accompanying this Amendment and Response.

"PointCast [21,22] is both a push system and an information provider. Only content coming from registered information providers can be broadcast via the *Business Network*. The *Central Broadcast Facility* (CBF) is the central repository for PointCast network information. Additionally a freely configurable *intranet channel* for company information systems and *connections*--content from Web servers--are supported. Channel data consists of Web data formats and animations written in the *ScreenPlay* language, which can be considered a limited version of pushlets. CDF [6] can be used to define (parts of) channels. The default pulling interval of clients is one hour (configurable by the user). Push distribution is available for intranets only (through multicast). PointCast has no broadcaster.

The administrative and channel data are retrieved from Web servers. Several publishing tools exist. We have not found any explicit information on the update strategy. *PointCast has no backchannel concept. ... Receiver software can be updated automatically.*

(Source: "A Component and Communication Model for Push Systems", authored by Manfred Hauswirth and Mehdi Jazayeri of the Technical University of Vienna, Distributed Systems Group (<http://www.infosys.tuwien.ac.at/>), and presented at ESEC/FSE 99 - Joint 7th European Software Engineering Conference (ESEC) and at the 7th ACM SIGSOFT International Symposium on the Foundations of Software Engineering (FSE-7), September 6-10, 1999, Toulouse, France.)

Remarks directed to the patentability of specific pending claims in relation to Reilly will now be discussed.

Response to 103 Rejection of Claim 97 Based on Reilly:

It is respectfully submitted that even though Claim 97 has been cancelled, it includes additional limitations that are not taught or contemplated in Reilly, and upon reflection of the discussion of Reilly provided herein, many of these additional limitations will become evident.

Patentability Of New Claim 104

In order to better assure the Examiner of the patentability of the claims provided herein, a discussion of the patentability of new Claim 104 will first be provided. However, it should be noted that similar reasoning as presented for Claim 104 also applies to the patentability of Claims 98-100 and 102-103 which will be discussed further below.

Claim 104 recites that:

- (A) there is an instance of an interactive service with which "the user node is interactively communicates with the instance for receiving a plurality of service transmissions from the instance via a first Internet connection, said service transmissions having a plurality of instance presentations transmitted to the user node via the first Internet connection,

said instance presentations interleaved with one or more responsive user communications from the user node to said interactive service”;

(B) there is a step of

“first transmitting a sequence of advertising presentations to a user at said user node, wherein said sequence is transmitted on the first Internet connection during an elapsed time of said service transmissions, wherein each advertising presentation of said sequence identifies at least one of a purchasable product and a purchasable service;

wherein an advertising presentation, AP₁, of said sequence is presented as a consequence of one or more particular communications on the first Internet connection between said Internet accessible service node and the user node;

wherein AP₁ is presented to the user during at least one transmission of said service transmissions;

wherein for said advertising presentations transmitted in said step of first transmitting, (a) and (b) following hold:

(c) there is at least a second advertising presentation, AP₂, of said sequence wherein: (i) a presenting of AP₂ to the user is purposefully delayed after a presentation of AP₁, and (ii) *there is no user input, after a last of said particular communications and during the service transmissions, for which a consequence includes the presenting of AP₂;*

(d) presentations of AP₁ and AP₂ are substantially unrelated to said user communications;”

It is respectfully submitted that Reilly does not disclose or suggest the above aspects (A) and (B) of Claim 104. For example, Reilly does not disclose or suggest user on-line interactions with an Internet interactive service while a sequence of ads are being presented with at least one unrequested ad; i.e., AP₂, wherein *there is no user input, after a last of said particular communications and during the service transmissions, for which a consequence includes the presenting of AP₂;*. Furthermore, even if it could be demonstrated that Reilly includes a user on-

line interactive portion, Reilly does not disclose or suggest such ads being transmitted or presented during the time when the user would be interacting with such a presumed on-line portion. In particular, as noted above, Table 2 of Reilly clearly shows that when a subscriber's computer is interacting with Reilly's information server 104, the database (i.e., access tables 186) at the subscriber's computer is in an inconsistent configuration, and accordingly is not usable for presenting news items and/or advertising. Moreover, there appears to be no teaching or suggestion in Reilly of such a presumed on-line portion (again assuming such exists) being on the same Internet connection that the transmitting of advertising presentations occurs.

As briefly discussed above, Reilly discloses two types presentations: information items (i.e., news stories), and advertisements. To satisfy the steps of first receiving and first transmitting of Claim 104, an Internet user would at least need to be interactively communicating with the Internet service regarding one or more of the information items (e.g., news stories), and during such communications, also be receiving advertising presentations on the same Internet connection, and presenting at least one of the advertising presentations. This, quite simply, is not disclosed or suggested in Reilly. In particular, presentations to a user of Reilly's news items are presented entirely without Internet interactive communications between the user (denoted a "subscriber" in Reilly) and the Internet information server (104 in Reilly) from which such news items are obtained. Justification for these assertions are provided in detail below. Moreover, if the Examiner believes otherwise, it is respectfully requested that the Examiner cite such passages in Reilly.

Specific Reilly Passages:

(A) Reilly can not satisfy the limitations of Claim 104 in that, e.g. Reilly "automatically" connects to the information server for receiving the informational items, and, then disconnects from the Internet information server after the information items are downloaded, all without user involvement. Thus, the Reilly disclosure does not disclose or suggest the first receiving step of Claim 104. To substantiate Applicant's assertions here, it is requested that the Examiner consider the passages from Reilly (text in curly brackets within these passages are added for clarity) provided in (A1) through (A4) below:

(A1) The following descriptions and Reilly passages show that Reilly is directed to channels as described above.

(A1.1) According to the following three identified Reilly passages, information items and ads are automatically displayed (e.g., for 30 seconds) when the subscriber is not using his/her computer, and repeatedly cycles through the news items and ads:

- (i) “It is a goal of the present invention to disseminate information and advertisements to subscribers' computers in a system where **the information and advertisements are automatically displayed when the subscriber's computer is on but meets predefined idleness criteria**. For example, the predefined idleness criteria could be the failure to receive any input for a period of at least five minutes.” (Reilly, col. 2, lines 28-34).
- (ii) “More specifically, under the control of the screen saver procedures, *news stories and an advertisement* assigned to a first information category are *displayed using a first display script for 30 seconds, then news stories and an advertisement assigned to a second information category are displayed using a second display script for the next 30 seconds, and so on* until news stories and an advertisement have been displayed in all the information categories indicated in the subscriber's user profile 194 as being of interest to the subscriber, at which point the process repeats with the first information category. (Reilly, col. 11, lines 53-63).
- (iii) Table 1 of Reilly (col. 12, lines 24-46) shows the pseudocode for automatically displaying both news items and advertisements.

(A1.2) According to the following Reilly passages, updates of news items, ads, etc. are automatically transmitted to subscribers without their interactive involvement:

- (i) “Another goal of the present invention is to **automatically update** each subscriber's local database of news stories at least once per day, and preferably multiple times per day so as to present subscribers with timely information.” (Reilly, col. 2, lines 35-38).

- (ii) Table 2 of Reilly (col. 15, line 54 to col. 16, line 35) shows the pseudocode for automatically transmitting news items and advertisements.

(A2) According to the following Reilly passages, Reilly's communications between each subscriber computer and the information server 104 are "batch-like" in that they are automatic, scheduled, and certainly not interactive. In particular, the "administration manager 180" (in each subscriber's computer) schedules and controls all communications with the information server (i.e., the information Internet site). Note that text in curly brackets has been supplied for clarity and is not part of Reilly.

- (i) "An administration manager 180 *schedules and controls all communications with the information server 104*. The administration manager 180 includes a connection scheduler 181 that initiates the execution of a connection manager 182 that handles communications with the information server as well as the integration of information and software procedures received from the information server into the information and software procedures stored in the client computer." (Reilly, col. 6, lines 37-45).
- (ii) It is believed that the "connection scheduler 181" of the above Reilly passage does exactly what its name indicates; i.e., it schedules connections to the information server 104 in that Reilly also states:

"The profiler 206 is actually a set of procedures that define and update the subscriber's user profile 194. Referring to FIG. 4, in the preferred embodiment, the user profile 194 includes: ... a connection schedule 215 that *specifies* to the connection scheduler 181 within the administrative manager 180 *how often the subscriber's computer should connect to the information server 104* to update its information database 184;" (Reilly, col. 7, lines 45-64).

- (iii) "An information administrator in each workstation {i.e., each subscriber computer} establishes communication with the information server from time to time so as to update the information items and advertisements stored in local memory {i.e., secondary memory 174, Fig. 2} with at least a subset of

the information items and advertisements stored by the information server.”
(Reilly, col. 3, lines 5-11).

- (iv) “In the preferred embodiment, each subscriber's computer 102 is connected to the information server 104 via the Internet 119 for *a small fraction of each day*.” (Reilly, col. 4, lines 8-10).
 - (v) “The *default connection schedule* is for the subscriber's computer to initiate a connection to the information server once during the *middle of the night* (e.g., a randomly selected time between 11 p.m. and 7 a.m. local time) for an “administrative update,” and *once every four hours* during the rest of the day for “news story updates.” During the administrative update connection, the set of advertisements, scripts and images in the subscriber computer's local information database are updated as necessary, and any software upgrades are also downloaded onto the subscriber's computer. During both “administrative update” and “news story update” connections, the news stories in the subscriber computer's local information database are updated.” (Reilly, col. 8, lines 19-31).
 - (vi) “In a preferred embodiment, *during each connection of a subscriber computer to the information server, the information server sends a “next recommended download time” to the subscriber computer* along with the other information being downloaded onto the subscriber computer. The server computer selects the next recommended download times sent to the various subscriber computers so as to spread their connection requests fairly evenly over time. In an alternate embodiment, *connection requests are spread over time by having the subscriber computers randomly select connection times* within the general boundaries of a specified schedule of connections (e.g., a randomly selected time anywhere within a half hour, plus or minus, of each scheduled connection time).” (Reilly, col. 14, lines 36-49).
- (A3) According to the following passage, a subscriber does not even determine the number of news items displayed:

“The information database 134 {e.g., on the subscriber’s computer} also stores a set of “display scripts” 142. A script controls the display of news items and advertisements, typically displaying a selected number of news items and one advertisement for a period of 30 seconds. *A script determines the number of news items displayed, determines the positions of the news items and advertisement on the display, determines any movement of the news items around the displayed image, and determines what background image or images are displayed in conjunction with the news items.*”

(A4) The Examiner’s attention is also directed to Fig. 12 of Reilly, which is described as follows (Reilly, col. 3, lines 60-62):

“FIG. 12 is a flow chart depicting the procedure for updating the local database and software modules of a subscriber’s computer.” (Reilly, col. 3, lines 60-62).

It is important to note that this flow chart does not disclose or suggest the “first receiving” step of Claim 104.

Thus, it is believed that the Reilly disclosure does not disclose or suggest the first receiving step of Claim 104, and accordingly, it is believed that Claim 104 is patentable.

(B) Regarding additional distinctions between Claim 104 and Reilly, note that the “first transmitting” step of Claim 104 is also neither disclosed nor suggested in Reilly. In particular, since Reilly’s service of providing informational items, such as news and sports, is not interactive between a subscriber and the information server 104, the “sequence of advertising presentations” (of Claim 104) can not be transmitted or presented during interactive on-line interactions with the instance of the interactive service. Thus, it is believed that Claim 104 is patentable for this reason as well.

(C) Moreover, if some interpretation of Reilly’s “information and advertising distribution system” could be construed to provide the “interactive service” of Claim 104, there appears to be further technical difficulties. For example, Reilly discloses that:

"As shown in FIGS. 8 and 9, the advertisements assigned to each information category are organized, through the use of a *set of data access tables 186*, in a separate linked list so as to create a separate "*queue*" of advertisements for each information category. Similarly the news items and display scripts assigned to each information category are organized in *separate linked lists* so as to generate separate queues of news items and display scripts for each information category." (Reilly, Col 5, Lines 15-19).

Further note that the "set of data access tables 186" and the "queue of advertisements" are apparently also (and correctly) denoted as a database. There are numerous Reilly passages indicating this, such as in the following passage in reference to Fig. 12:

"FIG. 12 is a flow chart depicting the procedure for *updating the local database* and software modules of a subscriber's computer." (Reilly, col. 3, lines 60-62).

Additionally, in describing Figs. 8 and 9, Reilly states:

"Figs. 8 and 9 schematically *depict data structures stored in a subscriber's computer to indicate advertisements and news stories available for display* in various information categories." (Reilly, col. 3, lines 51-54).

Thus, upon reviewing Reilly's Figs. 8 and 9, it appears evident that there is substantial interlinking between categories, news items and advertisements. Thus, in reviewing the pseudocode of Reilly's Table 2 (Reilly, col. 15, line 54 to col. 16, line 35), which shows the procedure used to update subscriber databases, one discovers that:

- (a) the subscriber's computer (denoted a "client" here) deletes advertisements and scripts from its local database;
- (b) stores newly received advertisements and scripts in the local database;
- (c) opens all advertisement and script files to determine the static images referenced by these files included in the local static image pool (i.e., the subscriber database);
- (d) performs software updates;
- (e) deletes certain items when data storage constraints on the local database are violated; and
- (f) finally updates the above mentioned data access tables.

Moreover, interleaved with these steps (a) through (f) are various Internet communications between the subscriber's computer and Reilly's information server 104.

However, to satisfy the limitations of Claim 104, not only would steps (a) through (f) have to be performed interactively (which they are not), but also at least one of the advertisements would have to concurrently be presented to the subscriber. Furthermore, in Reilly, advertisements are displayed with news items from user identified categories using, apparently, substantially the entire functionality of Reilly's information and advertising distribution system. However, there is no mechanism disclosed or suggested as to how such updates could be performed and concurrently use Reilly's system to present such advertisements (or news items).

Accordingly, it is believed that concurrent updating and presentation of advertisements and/or news items is not possible in Reilly. Additionally, it is believed that there would be no motivation for adding such complexity to Reilly's system in that there is no apparent reasons why Reilly's system could not be shutdown intermittently (e.g., in the middle of the night or periodically during the day) for such updates. Additionally, any mechanism for providing such concurrent updating and presentation of advertisements and/or news items would be counter productive for Reilly in that such a mechanism could substantially increase the data storage requirements of the portion of Reilly's system that resides on each subscriber's computer. And, as previously noted Reilly is already concerned about the amount of data storage consumed by his system on each subscriber's computer, e.g., as evidenced by the description of Reilly's Table 2 in the above section entitled: "Reilly Passages Indicative Of Reilly's Off-Line Processing".

Note that the following Reilly passage further emphasizes this concern:

"Furthermore, in client computers with very limited hard disk space available for storing news items, as indicated by the user profile 194 for the client computer, the secondary component of news items may not be stored in the local information database in order to conserve disk space." (Reilly, col. 13, lines 54-59).

Additionally, as also discussed above regarding Table 2 of Reilly, Reilly deletes information from the subscriber's computer, then downloads new information, and only then updates the database of access tables 186 used in presenting both the news items and the advertisements. Thus, Reilly can not update his system, and concurrently present news items and/or advertising.

Accordingly, from the reasoning provided here, it is believed that that Reilly does not disclose or suggest the first receiving step in combination with the first transmitting step of Claim 104, and accordingly, it is believed that Claim 104 is patentable.

(D) Additionally, note that if an advertisement is displayed by Reilly that is of sufficient interest to a user such that the user requests additional information, then it appears that a new connection to the Internet is initiated at that time for the purpose of contacting an Internet site for such additional information. In particular, the following Reilly passages (D1) – (D4) appear to suggest this:

(D1) “When using the second screen saver exit mode, if subscriber user clicks on an advertisement, the subscriber's computer is *automatically connected* to the an associated World Wide Web page on the Internet that provides additional information from the advertiser. *This is accomplished by World Wide Web connection and viewer procedures 211 (see FIG. 2) stored on subscriber's computer.*” (Reilly, col. 13, lines 9-15).

(D2) “When using the data viewer, if subscriber user clicks on the displayed advertisement, the subscriber's computer is *automatically connected to the an associated World Wide Web page on the Internet* that provides additional information from the advertiser.” (Reilly, col. 14, lines 7-11).

(D3) “In the preferred embodiment, each subscriber's computer 102 is connected to the information server 104 via the Internet 119 for a *small fraction of each day.*” (Reilly, col. 4, lines 8-10).

(D4) “When using the second screen saver exit mode, if subscriber user clicks on an advertisement, the subscriber's computer is *automatically connected* to the an associated World Wide Web page on the Internet that provides additional information from the advertiser. This is accomplished by World Wide Web connection and viewer procedures 211 (see FIG. 2) stored on subscriber's computer.” (Reilly, col. 13, lines 9-15).

Thus, it is additionally believed that from the reasoning provided here, that Claim 104 is also patentable.

(E) It is also worth mentioning that Reilly expressly teaches away from providing interactive Internet communications between a user and an Internet server for information items, such as Reilly's news items. The following descriptions and Reilly passages are illustrative:

(E1) In the following Reilly passage, Reilly states that part of the problem being addressed is the "substantial data transmission bandwidth" of "on line" newspapers and magazines.

"The present invention addresses a problem prevalent in electronic information distribution systems. In particular, "on line" newspapers and magazines are notoriously difficult and tedious to read. Graphics and animation and full motion video, all techniques widely used in television news programs, require substantial data transmission bandwidth. Such data transmission is expensive both in terms of communications bandwidth (capacity) and time. In non-computer publishing such as printed magazines and newspapers, graphics are often used to make reading less difficult and tedious. In television the majority of information is delivered with movement (animation), although graphics are also often used.

The use of large bandwidth data transmissions is not economically practical in the context of data dissemination via the Internet and other computer networks, although the cost of such data transmissions will undoubtedly continue to decrease. As a result, graphics and animation have typically received relatively little use in computer network based information dissemination systems." (Reilly, col. 4, lines 4-24).

(E2) The following Reilly passage indicates that news stories are desirably transferred during an automatic (batch-like) administrative update.

"It is noted that the secondary portions of news items {i.e., the portion of news items beyond what is initially displayed via a screen saver} can also include images, such as photographs that accompany the text of a news story. The transmission of such news story images can significantly increase the amount of connection time required for news item updates, and thus most news stories in the preferred embodiment do not use images, and every effort is made to transmit

those news stories that have images to subscribers' computers during the overnight administrative update rather than during the daytime news item updates.” (Reilly, col. 9, lines 1-10).

(E3) The following two Reilly passages show that the “secondary portions” of news items are not even available to a user if there is not sufficient space on the disk drive of the user’s computer. Thus apparently, in such cases the user can not even interact with his/her own computer for obtaining the secondary portion of a news item, much less obtain such secondary portions from Internet transmissions.

(i) “Each news item displayed in the center section 248 of the data viewer's display includes both the primary and secondary portions of the news item, thereby providing the subscriber in most instances with access to a fuller version of the news item than was shown by the screen saver. In the case of very short news items, the entire news item may be contained in its primary component. *Furthermore, in client computers with very limited hard disk space available for storing news items, as indicated by the user profile 194 for the client computer, the secondary component of news items may not be stored in the local information database in order to conserve disk space.*” (Reilly, col. 13, lines 49-60).

(ii) Additionally, in the following passage from TABLE 2 of Reilly, apparently the secondary news items are downloaded to the user’s computer, and then deleted if data storage requirements are exceeded.

“Client (CMx.Fetch procedure) deletes items, in FIFO order, for current category which (A) exceed data storage limit in date, (B) exceed item count limit, or (C) exceed specified age limit / Item storage limits 221 for each category are defined in a portion of the user profile 194 (see FIG. 4) */”.* (Reilly, col. 16, lines 32).

Response to 103 Rejections of Claims 98-100 and 102-103 Based on Reilly:

Response to 103 Rejection of Claim 98 Based on Reilly:

Claim 98 has been amended and now recites many of the limitations of Claim 104 described above that are patentable distinctions over Reilly. In particular,

- (a) Reilly does not disclose or suggest the “second presenting” step of Claim 98 wherein this step provides for user Internet interactivity during the presenting of the display presentations. Note that the same reasoning as in section (A) in the section above regarding the patentability of Claim 104 can be applied here.
- (b) Reilly does not disclose or suggest the “second presenting” step of Claim 98 for similar reasoning as in sections (B) and (C) above regarding the patentability of Claim 104. In particular, Reilly does not disclose or suggest receiving the “first one or more advertising presentations” (of the second presenting step) during the on-line interactivity of the first presenting step.
- (c) Reilly does not disclose or suggest the “third presenting” step of Claim 98 for similar reasoning as (b) immediately above and with the same justification of section (C) above regarding the patentability of Claim 104. In particular, the following clause of the “third presenting” step is not disclosed or suggested in Reilly: “each of at least one of said additional advertising presentations is: (a) received via the Internet in response to Internet transmissions by the providing node *during said first presenting step*”.

Accordingly, it is believed that Claim 98 is patentable.

Response to 103 Rejection of Claim 99 Based on Reilly:

Claim 99 has been amended and now recites many of the limitations of Claim 104 described above that are patentable distinctions over Reilly. In particular,

- (a) Reilly does not disclose or suggest the “second providing” step of Claim 99 for the same reasoning as in section (A) above regarding the patentability of Claim 104.
- (b) Reilly does not disclose or suggest the combination of the “second providing” step and the subsequent clause “wherein an additional advertising presentation ...” of Claim 99 for similar reasoning as in sections (B) and (C) above regarding the

patentability of Claim 104. In particular, Reilly does not disclose or suggest receiving the “additional advertising presentation” (of the “wherein” clause) “during the display of one of the service presentations”, e.g., Reilly’s news items. Accordingly, it is believed that Claim 99 is patentable.

Response to 103 Rejection of Claim 100 Based on Reilly:

Claim 100 has been amended and now recites many of the limitations of Claim 104 described above that are patentable distinctions over Reilly. In particular,

- (a) Reilly does not disclose or suggest the “first receiving” step of Claim 100 for the same reasoning as in section (A) above regarding the patentability of Claim 104. In particular, Reilly does not disclose or suggest that the user’s node receive “interactive display presentations”, wherein “said interactive display presentations are interactive, during *a continuous connection to the network, between the user and said providing node*”.
- (b) Reilly does not disclose or suggest the “first presenting” step of Claim 100 for the same reasoning as in section (B) above regarding the patentability of Claim 104. In particular, Reilly does not disclose or suggest presenting an advertisement “concurrently with at least one of the *interactive* display presentations”.
- (c) Reilly does not disclose or suggest the “first receiving” step, in combination with the “first presenting” step, and/or the “second presenting” step for similar reasoning as in section (C) above regarding the patentability of Claim 104. In particular, Reilly does not disclose or suggest receiving the “additional advertising presentation” (of the second presenting step) “*during the display of one of the service presentations*”, e.g., Reilly’s news items.

Accordingly, it is believed that Claim 100 is patentable.

Response to 103 Rejection of Claim 101 Based on Reilly:

Claim 101 also has many of the limitations of Claim 104, and accordingly is believed patentable. In particular, Claim 101 recites *interactive on-line communications* between a network service (at a "first network node") and a user, wherein the first advertising presentation is *transmitted* for display (and displayed) *during* the activation of the interactive service.

Response to 103 Rejection of Claim 102 Based on Reilly:

Claim 102 also has many of the limitations of Claim 104, and accordingly is believed patentable. In particular, referring to the "particular first advertising presentation" to be presented at the user node, this advertising presentation "*is received during a display of one of said interactive service presentations to the user*", wherein said particular first advertising presentation is transmitted as a consequence of one or more communications on the on-line network connection from the first network node to the user node". Accordingly, it is believed that Claim 102 is patentable.

Response to 103 Rejection of Claim 103 Based on Reilly:

Claim 103 is believed patentable both due to its dependence upon patentable Claim 102.

USPTO Consistency Regarding Reilly:

It is noted that the Reilly was cited by the Applicants in the parent patent, US 6,183,366. Thus, this patent is considered patentable over Reilly. The Examiner has, however, both issued an obviousness double patenting rejection, citing US 6,183,366, and, asserted that the pending claims of the present application are obvious in view of Reilly. This appears to be a very peculiar set of circumstances in that:

(1) If the presently pending claims are indeed subject to an obvious-type double patenting rejection over claims of US 6,183,366, then since US 6,183,366 is patentable over Reilly, how could the pending claims of the present application (being presumably an obvious variation of the granted claims of US 6,183,366) not also be patentable over Reilly?

(2) If the presently pending claims are obvious in view of Reilly, then such claims are certainly not obvious variations of the granted claims of US 6,183,366 in that the granted claims are patentable over Reilly. Thus, how could the pending claims of the present application be subject to an obviousness-type double patenting rejection? Accordingly, since both (1) and (2) immediately above can not both be upheld concurrently, it is requested that the Examiner withdraw either the obviousness type double patenting rejection, or withdraw the obviousness rejection due to Reilly.

Given the six month statutory time restraints, Applicant submits a Terminal Disclaimer as requested, solely to be in compliance with providing a complete response. However, Applicant requests that such Terminal Disclaimer not be entered, as it is deemed unnecessary for the reasons as set forth above.

Additional New Claims 105 through 205:

The new claims in addition to Claim 104 provided herein are believed to be patentable for substantially the reasoning as provided hereinabove.

Accordingly, since all pending claims are believed allowable, prompt reconsideration is requested so that the present application can proceed to issuance.

Note that the prior art references previously submitted in the present application and which the Examiner has requested duplicate copies thereof are supplied with this Amendment and Response. However, note that the following reference: "Tracker-Plus TP-700 Player Tracking Equipment for Table Games" by Open Technologies at 6520 Platt Ave., Suite 672, West Hills, California 91307 has not yet been located. It is requested that the U.S. Patent Office conduct another search for this reference, and that Applicants' representative be contacted regarding the results of such a search.

Respectfully submitted;
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please replace the title of the present application with the following title:

“A NETWORKED SYSTEM FOR PRESENTING ADVERTISING”

IN THE ABSTRACT:

Please replace the abstract of the present application with the following abstract:

A networked system is disclosed for presenting advertising during on-line interactions between a user and a service of a network (e.g., the Internet, interactive cable, and/or a LAN). Advertisements (ads) are presented to a networked user unrequestedly during user interactions with the service. The user can activate the ads (via hyperlinks) for receiving additional advertising. The system gathers user data and/or develops user profiles for selectively presenting ads, promotionals, discounts, etc. targeted to receptive users. In exchange for viewing such selective presentations, on-line access to the service is provided, the service including, e.g.,: (a) playing on-line interactive games (e.g., blackjack and poker), (b) providing access to the network itself (e.g., an Internet service provider), and/or (c) providing access to substantially any interactive service accessible via (b). The system can provide free/reduced cost network services to the user for viewing unrequested advertising. The system can be provided for a casino.

IN THE CLAIMS:

Claim 97 has been deleted.

Claim 98 has been amended as follows:

98. (Amended) A method of advertising on the Internet, comprising:
for each of one or more users accessing the Internet in a corresponding Internet connection for the user, the following steps are performed during said corresponding Internet connection:

5 first transmitting, from the user, [an Internet] request on the Internet for contacting a providing node of the Internet, said providing node provides access to two [one] or more display presentations for a service with which the user identifies in said request [desires to interact], wherein said request has associated therewith an Internet address for contacting the providing node, and wherein said interactive service is

10 interactive on [via] the Internet with the user;

first receiving, via the providing node, said two [one] or more display presentations for said interactive service;

[for]first presenting said two or more display presentations on at least a portion of a display of a user node by which the user accesses the Internet, wherein at least two of

15 said display presentations are successively displayed, and there is a user input to one of said at least two display presentations, P₁, for a transmission on the Internet to which a latter of said at least two display presentations, P₂, is a response obtained in said step of receiving;

second [first] presenting, by the user node, overlapping with a display of said [at

20 least] one of the display presentations P₁, a first one or more advertising presentations for providing information related to one or more of a product and a service, wherein said first one or more advertising presentations are received via the Internet in response to Internet transmissions by the providing node during said first presenting step, and displayed on at least a portion of said display during said first presenting step;

25 third [second] presenting, by the user node and during said first presenting step [over time], one or more additional advertising presentations having a predetermined time delay after said step of second presenting is performed, each said additional advertising presentation for providing information related to one of a product and a service, wherein [each of] at least one of said additional advertising presentations is:

30 (a) received via the Internet in response to Internet transmissions by the providing node during said first presenting step, and

(b) displayed on at least a portion of said display without the user providing an input for which a consequence includes the presenting of said additional advertising presentations and for which said first advertising presentations are

35 not a consequence [subsequent to said steps of first transmitting, first
receiving and first presenting to which said one or more additional advertising
presentations are responsively provided];

 second transmitting, via the Internet, data indicative of an action by the user in
response to one of said first and said additional advertising presentations, wherein said
40 data is transmitted: (a) from said user node, and (b) to a destination node of the Internet,
said destination node identified at said user node by destination Internet link information
used for transmitting said data;

 second receiving, via the Internet, another presentation for presenting to the user
at said user node, wherein said another presentation is responsive to said action by the
45 user.

Claim 99 has been amended as follows:

99. (Amended) A method of advertising on the Internet, comprising:

 for each of one or more users accessing the Internet in a corresponding Internet
connection for the user, the following steps are performed during said corresponding
Internet connection:

5 first receiving, at an Internet providing node, and from a user node by which the
user accesses the Internet, an Internet request for interactive communication with [one or
more display presentations of] an interactive service, wherein said request has associated
therewith an Internet address for contacting the providing node, and wherein said
interactive service is interactive on [via] the Internet between said providing node and the
10 user;

first providing, by the service, a responsive Internet transmission [transmitting to
the user node] for [, in response to said Internet request] (a) and (b) following:

 (a) displaying a [said one or more display] service presentation[s of] for said
service [for presenting] on at least a portion of a display for the user node, and

15 (b) displaying [one or more] a first advertising presentation[s], wherein [a first of] said first advertising presentation[s] is [also] displayed on at least a portion of said display with [at least one of said display] said service presentation[s];

second receiving, by the service, a transmission resulting from a user input to said service presentation during the display of the service presentation;

20 second providing, by the service, a responsive Internet transmission having as a consequence a displaying an additional service presentation for said service on at least a portion of the display for the user node;

wherein[, over time, one or more additional of said] an additional advertising presentation[s are] is presented on the display according to (i) and (ii) following:

25 (i) said additional advertising presentation is received, via the Internet, in response to an Internet transmission by the providing node during the display of one of the service presentations; and

(ii) said additional advertising presentation is presented on at least a portion of said display without the user providing an input for which a consequence includes the presenting of said additional advertising and for which said first advertising is not a consequence [having a corresponding next response that presents said one or more additional advertising presentations];

30

wherein at least one of said first and said additional advertising presentations is capable of responding to an action by the user by transmitting, via the Internet, data
35 indicative of said action to a destination Internet node, wherein said destination node is identified by destination Internet link information[, provided in said step of transmitting,] for contacting said destination node with said data.

Claim 100 has been amended as follows:

100. (Amended) A method of advertising on a network, comprising:
for each of one or more users accessing the network, the following steps are performed:

first transmitting, from the user, a corresponding request for accessing a providing
5 node of the network, [said providing node provides one or more interactive display
presentations,] wherein said request has associated therewith a network address for
identifying the providing node;

first receiving, from the providing node via the network, [said] one or more
interactive display presentations for presenting on at least a portion of a display of a user
10 node by which the user accesses the network, and wherein said interactive display
presentations are interactive, during a continuous connection to the network, between the
user and said providing node;

first presenting, by the user node, concurrently with at least one of the interactive
display presentations, a first advertising presentation for providing information related to
15 one of a product and a service for displaying on the user node, wherein said first
advertising presentation is received via the network from some node of the network[, and
displayed on at least a portion of said display];

second presenting, by the user node over time, [one or more] an additional
advertising presentation[s], [each] said additional advertising presentation for providing
20 information related to one of a product and a service, wherein [each of at least most of]
said additional advertising presentation[s] is:

(a) received via the network in response to Internet transmissions by from said
some node, and during the display of one of the service presentations, and
(b) displayed on at least a portion of said display without the user providing an
25 input that only causes said additional advertising presentation to be displayed;

second transmitting, via the network, data indicative of an action by the user in
response to one of said first and said additional advertising presentations, wherein said
data is transmitted:

(i) from said user node, and
30 (ii) to a destination node of the network, said destination node identified at
said user node by a destination network address used for transmitting
said data;

second receiving, via the network, another presentation for presenting to the user
at said user node, wherein said another presentation is responsive to said step of second
35 transmitting.

Claim 101 has been amended as follows:

101. (Amended) A method of providing a presentation on a network,
comprising:
- activating a network service accessible from a first network node during a
[connector] connection to the network, wherein one or more interactive service
5 presentations are presented to a user during an activation of the network service by a
network user node from which the user accesses the network;
- inputting, by the user, service related information during a presentation of the
service presentations for transmitting said information, via the network connection, to
said first network node during the activation of the network service;
- 10 presenting concurrently with the service presentations at the network user node, a
first advertising presentation for providing information related to a first one of a product
and a service, wherein said first advertising presentation is transmitted for display during
the activation of the network service, and a display of said first advertising presentation is
replaced by a display of a [different,] second advertising presentation, for a second one of
15 a product and a service different from said first product or service, during the activation
of said network service [substantially] independently of every [any] user input occurring
from a time of the display of said first advertising presentation to the display of said
second advertising presentation, wherein at least one of said service presentations for
presenting on the network user node is determined without regard to which one of said
20 first and second advertising presentations is presented concurrently with the at least one
service presentation to the user;
- wherein said first advertising presentation includes network link data that includes
a network identifier identifying another presentation;

activating, by the user, said first advertising presentation for requesting said
25 another presentation during said network connection, wherein the user provides an input
related to a position of a display of said first advertising presentation;
presenting said another presentation at the network user node;
providing, by the user, product or service purchasing data to said another
presentation; and
30 receiving, by the user, the product or service in response to said step of providing.

Claim 102 has been amended as follows:

102. (Amended) A method of providing a presentation on a network,
comprising:
activating, by a user at a network user node, a network service which is at least
partially performed at a first network node during an on-line connection to the network,
5 wherein one or more interactive service presentations are presented to the user at the user
network node during the on-line network connection for performing the network service
and an interactive content is provided at the network user node by a plurality [at least
one] of said service presentations, said content concerning the service;
receiving, at the first network node and during the activation of the network
10 service, network transmissions from the user node for one or more interactions between
the user and said interactive service presentations concerning said interactive content;
responding, by the first network node, to at least one of said network
transmissions prior to receiving some next one of said network transmissions from the
user;
15 determining a particular first and second [one] of a plurality of advertising
presentations wherein said advertising presentations are used for presenting to the user
information about at least one of a product and a service, and wherein said first particular
presentation includes network link data for identifying another presentation[related to
said particular presentation], said network link data associated with a corresponding one
20 or more positions on a display of said particular first presentation;

providing, for display concurrently with a display of at least some said interactive content of the service presentations at the network user node, said particular first advertising presentation;

25 wherein said step of providing includes a substep of transmitting said particular first advertising presentation, wherein said particular first advertising presentation is received during a display of one of said interactive service presentations to the user, wherein said particular first advertising presentation is transmitted as a consequence of one or more communications on the on-line network connection from the first network node to the user node;

30 wherein (i) and (ii) following: (i) a display to the user of said particular second advertising presentation is purposefully delayed after said particular first advertising presentation, and (ii) there is no user input, after said display of said particular first advertising presentation, for which a consequence includes a display of said particular second advertising presentation to the user;

35 [.] wherein said [a] display of said particular first advertising presentation is activated for transmitting, on [during] said on-line network connection, said another presentation to the user when the user provides an input identifying one of said one or more positions on a display of said particular first presentation, and wherein said interactive content is substantially unaffected by which of said advertising presentations
40 [is identified in said step of determining said particular presentation].

Claim 103 has been amended as follows:

103. (Amended) A method as claimed in Claim 102 [6], wherein said step of activating includes one of: (a) activating an instance of a game as at least a portion of the network service, and (b) accessing a first Internet site as said first network node, wherein a second Internet site different from said first Internet site performs said step of
5 providing.

Please add the following new Claims 104-205:

104. A method of advertising on the Internet, comprising:

first receiving an activation request, from an Internet accessible user node, for activating an instance of an interactive service accessible via an Internet contact with an Internet accessible service node, wherein the user node interactively communicates with the instance for receiving a plurality of service transmissions from the instance via a first Internet connection, said service transmissions having a plurality of instance presentations transmitted to the user node via the first Internet connection, said instance presentations interleaved with one or more responsive user communications from the user node to said interactive service;

first transmitting a sequence of advertising presentations to a user at said user node, wherein said sequence is transmitted on the first Internet connection during an elapsed time of said service transmissions, wherein each advertising presentation of said sequence identifies at least one of a purchasable product and a purchasable service;

wherein an advertising presentation, AP₁, of said sequence is presented as a consequence of one or more particular communications on the first Internet connection between said Internet accessible service node and the user node;

wherein AP₁ is presented to the user during at least one transmission of said service transmissions;

wherein for said advertising presentations transmitted in said step of first transmitting, (a) and (b) following hold:

(a) there is at least a second advertising presentation, AP₂, of said sequence wherein: (i) a presenting of AP₂ to the user is purposefully delayed after a presentation of AP₁, and (ii) there is no user input, after a last of said particular communications and during the service transmissions, for which a consequence includes the presenting of AP₂;

(b) presentations of AP₁ and AP₂ are substantially unrelated to said user communications;

wherein at least one of AP₁ and AP₂ includes link data such that when said link data is activated by a user input to said at least one of AP₁ and AP₂, data indicative of said user input is transmitted, via the first Internet connection, to a network node identified by said link data;

second receiving, at the user node and from the network node via the first Internet connection, a subsequent presentation for presenting to the user, wherein said subsequent presentation is determined using said data, said subsequent presentation also identifying
35 one of a purchasable product and a purchasable service; and

wherein said subsequent presentation is presented to the user during the first Internet connection.

105. The method of Claim 104, wherein AP_1 was transmitted to the user node in an Internet transmission previous to said at least one transmission.

106. The method of Claim 104, wherein said particular communications includes an Internet transmission from said Internet accessible service node to the user node.

107. The method of Claim 106, wherein said step of first transmitting is dependent upon to an Internet transmission by the user node that is responsive to said particular communications.

108. The method of Claim 104, wherein said step of first receiving includes receiving a request to activate said instance at least partially in exchange for said sequence of advertising presentations being displayed at the user node.

109. The method of Claim 108, further including a step of providing Internet access to the user node at a reduction in cost in exchange for said sequence of advertising presentations being displayed at the user node.

110. The method of Claim 109, wherein at said advertising presentation AP_2 is unrequested.

111. The method of Claim 109, further including a step of inputting a user identification prior to receiving activation of said instance.

112. The method of Claim 109, further including a step of forcing said sequence of advertising presentations to be presented to the user so that they are unobscured when presented.
113. The method of Claim 104, wherein said link data includes an Internet address.
114. The method of Claim 104, further including steps of:
accessing, by said instance, status information related to a state of said instance determined at least partially by a previous one of said responsive user communications;
updating said status information using information received by said instance from
5 one of said responsive user communications following said previous responsive user communication.
115. A method for advertising on a communications network, comprising:
first receiving, at a service providing source, a transmission on the communications network from a user node for activating an instance of a user desired service;
5 activating the instance for interactively communicating with the user via transmissions on the network between the user node and said service providing source;
storing, at said service providing source, status information, wherein said status information provides information identifying that the user is communicating with the instance, and context data used by said service providing source in determining a
10 subsequent response to an additional user node transmission to said instance;
first transmitting on the communications network, from said service providing source, and in response to the service providing source receiving the transmission, first information, including first service data of the instance for presenting at the user node;
second receiving, by the instance, first data obtained from at least one network
15 transmission, T_1 , corresponding to an input to a presentation of said first service information by the user at the user node;
accessing said status information for determining said second service information as a response to said first data;

second transmitting on the communications network, from said service providing
20 source, and in response to the service providing source receiving the first data, second
information, including second service data of the instance for presenting at the user node;
modifying, at said service providing source, said context data used by said service
providing source in determining a subsequent response to an additional user node
transmission to said instance

25 third transmitting, on the communications network, from the service providing
source, data related to presenting advertising on the user node, wherein the advertising is
for one or more of a purchasable product or a purchasable service, and said data is
transmitted to the user node during a time from the first transmitting step to the second
transmitting step;

30 wherein as a consequence of said third transmitting, at least a first advertising
presentation and a second advertising presentation of said advertising are displayed on
the user node with the second advertising presentation being displayed, on the user node,
after the first advertising presentation by a predetermined delay, and without there being
a user input to the user node that has, as a consequence, the display of the second
35 advertising presentation and not the first advertising presentation;

wherein at least one of said first and second advertising presentations is: (a)
displayed on the user node concurrently during a reception at the user node of a
transmission of one or more of said first and second service data, and (b) includes a
hyperlink.

40

116. The method of Claim 115, wherein said steps of first receiving, first transmitting,
second transmitting, and third transmitting occur during a single connection to the
communications network.

117. The method of Claim 116, wherein said first information is transmitted for display
in a browser window of a browser of the user node, said browser for contacting nodes on
the network from the user node.

118. The method of Claim 117, wherein said first and second advertising presentations are presented in said browser window.
119. The method of Claim 116 wherein said status information is retained for use in determining a subsequent response after a termination of the single connection so that said instance can be resumed in a subsequent connection to the communications network.
120. The method of Claim 119, wherein said context data includes a representation of a configuration of a game for indicating a next play of the game.
121. The method of Claim 115, further including a step of receiving financial information related to a financial status of the user, wherein said financial information is used in determining whether a subsequent input by the user to the instance is acceptable.
122. The method of Claim 121, wherein said subsequent input includes a wager.
123. The method of Claim 121, further including a step of qualifying the user for viewing a particular presentation, wherein a financial status of the user is matched with predetermined financial criteria.
124. The method of Claim 123, wherein said particular presentation includes one of: a promotional and an advertisement, wherein said one of the promotional and advertisement is associated with said predetermined financial criteria.
125. The method of Claim 115, wherein at least one of said first, second and third transmitting steps provide a transmission on a portion of a network provided within a casino.
126. The method of Claim 125, further including a step of changing a speed of play of a game according to said first data.

127. The method of Claim 115, wherein said instance includes providing access to other nodes of the communications network in exchange for presenting said advertising on the user node.
128. The method of Claim 127, wherein at least one of said steps of first, second and third transmitting travel at least a portion of one: a TCP/IP network, and the Internet.
129. The method of Claim 128, wherein said second transmitting step includes transmitting, via the network, information for storing at the user node, wherein said stored information is utilized in allowing the user node to access a desired service of said service providing source on a subsequent network connection by the user node.
130. The method of Claim 129, wherein said stored information includes identification information for identifying the user node, and further including:
receiving said identification information at said service providing source; and
providing the user node with network access to the instance as a result of
5 receiving said identification information.
131. The method of Claim 130, further including a step of selecting one of said first and second advertising presentations for providing advertising related to a product or service, wherein the product or service is identified from one or more previous user inputs during the activation of the instance.
132. The method of Claim 131, said status information includes one or more of: a credit limit and a current amount of funds available to the user.
133. The method of Claim 132, wherein at least one of said first and second transmitting steps includes transmitting a representation of a game token to the user, and further including a step of determining said game token substantially randomly.

134. The method of Claim 133, wherein said game token is for playing one of: blackjack, poker, craps, roulette, baccarat and pai gow.
135. The method of Claim 115, further including a step of storing information effective for ranking the user with other users communicating with an instance of the desired service.
136. The method of Claim 115, wherein said steps of first and second transmitting occur on a same connection to the network.
137. The method of Claim 136, further including a step of receiving information identifying the user prior to activating said instance of the desired service.
138. The method of Claim 136, further including a step of the service providing source receiving registration information from the user node for registering the user with said service providing source so that in a subsequent instance of said desired service the user is known by the service providing source.
139. The method of Claim 136, wherein as a result of said data being transmitted to the user node, there is at least one network transmission from the user node which has as a consequence the displaying of said first and second advertising presentations to the user at the user node.
140. The method of Claim 136, wherein said second transmitting step includes transmitting information to the user node for determining whether a predetermined program is active for processing additional advertising information of said data so that said additional advertising information is presented to the user.
141. The method of Claim 136, wherein said second transmitting step includes transmitting advertising content information as part of said data, wherein said advertising

content information includes advertising content for at least said second advertising presentation.

142. The method of Claim 136, wherein said second transmitting step includes providing to the user node, as at least a portion of said data, information related to presenting one or more subsequent transmissions wherein said subsequent transmissions include advertising content information of said data for presenting to the user.

143. The method of Claim 142, wherein said portion of said data includes a download to the user node of a program for presenting unrequested advertising to the user via the user node.

144. The method of Claim 136, further including:

performing said steps of first and second transmitting asynchronously for each of a plurality of users, each user accessing the network via a different user node for communicating with said advertising source; and

5 collecting advertising related information, wherein said advertising related information is obtained using data indicative of responses to instances of advertising related information presented to each of the plurality of users, said instances including corresponding instances of one or more of said first and second advertising presentations for each of the plurality of users.

145. The method of Claim 144, for each advertising presentation, AP, of one or more advertising presentations presented to at least some of the plurality of users, a further step of determining, using said advertising related information; and one or more of the following:

- 5 (a) data indicative of a number of hyperlinks for AP activated by said at least some of the plurality of users;
- (b) data indicative of a number of positive responses to AP by said at least some of the plurality of users;

10 (c) data indicative of a number of advertised items sold to said at least some of the plurality of users wherein said advertised items are available for purchase via AP; and

(d) data indicative of a total number of presentation of AP to said at least some of the plurality of users.

146. The method of Claim 144, for each advertising presentation, AP, of one or more advertising presentations presented to at least some of the plurality of users further step of determining, using said advertising related information; data indicative of a number of promotionals requested by said at least some of the plurality of users wherein said
5 promotional are available via AP.

147. The method of Claim 136, further including:
collecting information about the user, wherein said information about the user is obtained from user node transmissions on the network of input provided by the user to the user node.

148. The method of Claim 147, wherein said step of collecting includes monitoring user communications on the network with one or more of said service instance and other network accessible nodes for obtaining , and further including a step of subsequently selecting a subsequent advertising presentation for determining advertising related to a
5 user input.

149. The method of Claim 147, wherein said information about the user includes obtaining some of the following information related to the user: a name, an address, an e-mail address, an age, a financial status, an educational level, a marital status, a size of household, a number of children, an amount of recreational time, personal tastes, and a
5 sex.

150. The method of Claim 147 further including a step of comparing said information collected about the user with a predetermined profile

further including a step of storing information related to one of: whether one of said plurality of presentations has been presented to a first of the one or more users, and a time
5 when said one presentation was presented to the first user.

151. The method of Claim 136, wherein said instance of the user desired service includes a playing of a game wherein:

said first transmitting step includes transmitting plays of the game, via the network, to the user node from said instance during the playing of the game; wherein
5 each of said first and second service information includes one of the game plays;

said second transmitting includes providing said first advertising presentation to the user node, wherein said first advertising presentation is presented during the playing of the game;

receiving, via the network, a data item indicative of an activation of said
10 hyperlink by the user in response to said first advertising presentation during the playing of the game by the user;

second transmitting to the user node, another presentation, wherein said another presentation is determined using said data item.

152. The method as claimed in Claim 151, wherein the instance includes a playing of a game, wherein said game is played according to a predetermined set of rules, and said game is at least one of: a game of chance, a game having an opponent, and a game having a total number of possible distinct game plays that is capable of being determined before
5 playing the game.

153. The method of Claim 151, further including a step of selecting said another advertising presentation by both (i) and (ii) following:

(i) accessing stored data indicative of network communications from the user prior to said step of first transmitting; and

5 (ii) determining whether the first user qualifies to receive a particular advertising presentation as said another advertising presentation.

154. The method of Claim 136, wherein said second transmitting step includes transmitting, via the network, information for storing at the user node, wherein said stored information is utilized in allowing the user node to access a desired service of said service providing source on a subsequent network connection by the user node.

155. The method of Claim 154, wherein said stored information includes identification information for identifying the user node, and further including:

receiving said identification information at said service providing source; and
providing the user node with network access to an instance of a user desired
5 service as a result of receiving said identification information.

156. The method of Claim 155, wherein said step of providing includes providing the user node with access to the network.

157. The method of Claim 156, wherein said access to the network is dependent upon a result of a step of determining that the user node is configured to accept unrequested advertising.

158. The method of Claim 157, wherein said step of determining includes communicating with the user node for detecting an activation of a predetermined program on the user node, wherein said predetermined program is used in presenting said unrequested advertising to the user.

159. The method of Claim 158, wherein said step of transmitting said stored information includes transmitting a code for providing said predetermined program on the user node.

160. The method as claimed in Claim 154, wherein the instance includes a playing of a game, wherein said game is played according to a predetermined set of rules, and said game is at least one of: a game of chance, a game having an opponent, and a

game having a total number of possible distinct game plays that is capable of being
5 determined before playing the game.

161. The method of Claim 136, wherein said network includes at least a portion of an interactive cable network upon which one or more of said first and second data are transmitted.

162. The method of Claim 136, wherein the network includes a plurality of smaller networks connected together for providing communications therebetween, and the network has one or more of the following characteristics:

- 5 (i) the network has a common address space such that for each node, N, accessible by the network, there is a common address for N by which N can be accessed regardless of which one of the smaller networks also containing N, and regardless of a source on the network for requesting a communication with N;
- 10 (ii) the network is able to support communications using the Internet Protocol (IP); and
- (iii) the network provides communication access to substantially all publicly contactable e-mail addresses.

163. The method of Claim 162, wherein the network is able to support communications between network nodes using the Transmission Control Protocol/Internet Protocol (TCP/IP).

164. The method of Claim 162, further including:

generating electronic game tokens for playing a game as a portion of said instance of the desired service, said game tokens played in occurrences of the game to affect outcomes of the occurrences;

- 5 receiving player identification data prior to at least a first player playing the game, wherein said identification data is used to identify information related to the user in subsequent occurrences of the game;

first playing a first occurrence of the game interactively between the user and a substantially electronic game playing system via game play transmissions on the network
10 between the user and the said service providing source wherein said game playing system plays a first sequence of said game tokens;

second playing a second occurrence of the game interactively with a second user at a second user node and said game playing system via game play transmissions on the network between the second user and the said service providing source, wherein said first
15 and second game occurrences overlap in time, and wherein said game playing system plays a second sequence of game tokens when playing said second occurrence of the game;

wherein said first and second sequences have at least different game tokens in at least one identical game token position, in each of said first and second sequences; and
20 presenting to the user, during said first occurrence, said first advertising presentation, wherein a change to said second advertising presentation during said first occurrence does not change an availability to subsequently perform game plays of said first instance.

165. The method as claimed in Claim 164, wherein the game includes a playing of a game, wherein said game is played according to a predetermined set of rules, and said game is at least one of: a game of chance, a game having an opponent, and a game having a total number of possible distinct game plays that is capable of being determined before
5 playing the game.

166. A method for advertising on a network, comprising:
receiving, by an advertising source, one or more transmissions on a communications network, wherein each said transmission provides information that identifies a user node for a subsequent transmission of advertising information on the
5 network;

determining, by said advertising source, first and second advertising related information for presentation to a user at the user node, wherein said first advertising information is to be displayed prior to said second advertising information by at least a

- predetermined elapsed time, and wherein each of said first and second advertising
- 10 information is for presenting information related to one or more purchasable products or purchasable services, and each of said first and second advertising information includes a network address of a corresponding network node providing additional information related to the one or more purchasable products or purchasable services for the advertising information;
- 15 transmitting, by said advertising source, said first and second advertising information to the user, wherein said first and second advertising information are transmitted on the network during a presenting to the user, at the user node, of at least one of a plurality of presentations of service information transmitted to the user node, on the network from a service providing source, wherein:
- 20 (a) said service providing source interactively communicates with the user for transmitting said plurality of presentations on a same user node connection to the network as said advertising source for transmitting said first and second advertising information, wherein for a first and a second of said plurality of presentations, said second presentation is presented on the user node as a
- 25 response to a network transmission of an input by the user to said first presentation;
- (b) said first and second advertising information are presented to the user at the user node concurrently with at least one of said first and second presentations;
- (c) there is no input by the user, for which a display of the second advertising
- 30 information at the user node is a consequence and a display of said first advertising information is not a consequence;
- (d) for at least one of said first and second advertising information the user can activate a hyperlink for accessing the corresponding node using its network address.

167. The method of Claim 166, wherein the user node contacts said service providing source, via the same user node connection to the network, for providing the user with communications for a service with which the user desires to communicate.

168. The method of Claim 167, further including a step of first receiving by said advertising source a transmission from the user node, for the same user node connection to the network, for identifying the user to said advertising source;

5 wherein said step of first receiving occurs prior to the user node contacting said service providing source, via the same user node connection to the network.

169. The method of Claim 166, further including a step of said advertising source providing the user node with access to the network in exchange for the presentation of advertising at the user node.

170. The method of Claim 169, wherein said step of providing is performed according to one of: (a) without charging the user for connecting to the network, and (b) charging the user a reduced amount in comparison to a charge wherein said presentation of advertising is not presented.

171. The method of Claim 168, wherein said step of first receiving occurs substantially during an initiation of the user node connection to the network.

172. The method of Claim 171, wherein the network includes a plurality of smaller networks connected together for providing communications therebetween, and the network has one or more of the following characteristics:

- 5 (i) the network has a common address space such that for each node, N, accessible by the network, there is a common address for N by which N can be accessed regardless of which one of the smaller networks also containing N, and regardless of a source on the network for requesting a communication with N;
- 10 (ii) the network is able to support communications using the Internet Protocol (IP); and
- (iii) the network provides communication access to substantially all publicly contactable e-mail addresses.

¹⁷³
~~174~~ 1 The method of Claim 172, wherein the network is able to support communications between network nodes using the Transmission Control Protocol/Internet Protocol (TCP/IP).

¹⁷⁴
1 ~~175~~. The method of Claim ¹⁷³~~174~~, wherein said service providing source is accessible via a network address that is not used to access said advertising source.

¹⁷⁵
1 ~~176~~. The method of Claim 166, further including a step of first receiving by said advertising source a transmission from the user node, for the same user node connection to the network, for identifying the user to said advertising source;
wherein said step of first receiving occurs prior to the user node contacting said
5 service providing to contacting the service providing source.

¹⁷⁶
1 ~~177~~. The method of Claim 166, wherein for each of the network transmissions of said first and second presentations to the user node, there is a network transmission by the service providing source for contacting the advertising source.

¹⁷⁷
1 ~~178~~. The method of Claim 166, wherein said first advertising information is transmitted from a network node different from a network node for transmitting said first and second presentations.

¹⁷⁸
1 ~~179~~. The method of Claim 166, wherein said step of transmitting of at least one of said first and second advertising information to the user node is not in response to any user input to one of said plurality of presentations for said service providing source.

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¹⁷⁹
1 ~~180~~. The method of Claim ~~179~~, wherein for said step of transmitting there is no user input, UI, to any other service providing source accessible by the user node on the connection to the network, such that one of said first and second advertising related information is transmitted to the user node as a consequence to such a user input UI
5 wherein the other service providing source is different from said advertising source.

¹⁸⁰
181. The method of Claim 166, further including a step of said advertising source being contacted by the user node for gaining access to the network.

¹⁸¹ ¹⁸⁰
182. The method of Claim 181, further including transmitting a response to the user node for activating a program on the user node that remains active throughout the user node connection to the network for presenting advertising to the user.

¹⁸²
183. The method of Claim 166, wherein the network includes communications via an interactive cable television network.

¹⁸³
184. The method of Claim 166, wherein for said step of transmitting there is no user input, UI, to any service providing source accessible by the user node on the connection to the network, such that one of said first and second advertising related information is transmitted to the user node as a consequence to such a user input UI wherein the other
5 service providing source is different from said advertising source.

¹⁸⁴
185. The method of Claim 166 further including:
performing said steps of receiving, determining, and transmitting asynchronously for each of a plurality of users, each user accessing the network via a different user node for communicating with said advertising source;
5 collecting advertising related information, wherein said advertising related information is obtained using data indicative of responses to instances of advertising related information presented to each of the plurality of users, said instances including corresponding instances of said first and second advertising related information for each of the plurality of users;
10 providing advertising related performance information to an advertiser, wherein said performance information is determined using said advertising related information for advertising information related to the advertiser.

¹⁸⁵ ¹⁸⁴
186. The method of Claim 185, wherein said performance information includes one or more of (a) through (d) following:

- (a) a measurement related to a number of the plurality of users to which said at least one advertising related presentation is displayed,
- 5 (b) a measurement related to a number of times said at least one advertising related presentation is displayed to some of the users,
- (c) a measurement related to a number of favorable responses by the users to said at least one advertising related presentation, and
- (d) a measurement related to a number of promotionals provided to the users, said
10 promotionals related to at least one product or service of said at least one advertising related presentation.

¹⁸⁶ 187. The method of Claim ¹⁸⁵ 186, further including a step of providing, to a first of said users, supplemental information related to a compensation to the first user for providing one or more of said responses.

¹⁸⁷ 188. The method of Claim 166, wherein said step of transmitting transmits at least one of said first and second information on at least a portion of one of: the Internet network, an interactive cable television network, and a local area network.

¹⁸⁸ 189. The method of Claim 166, further including a step of storing information related to one of: whether one of said first and second advertising information has been presented to the one previously, and a time when said first and second advertising information was presented to the user.

¹⁸⁹ 190. The method of Claim 166, wherein said service providing source is accessible via a network address that is not used to access said advertising source.

¹⁹⁰ 191. The method of Claim 166, wherein said step of transmitting includes:
first transmitting said first advertising information at a first time; and
second transmitting said second advertising information at a second time which is after said time by a predetermined delay.

191
192. ¹

A method of advertising on the Internet, comprising:

first receiving an activation request, from an Internet accessible user node, for activating an instance of an interactive service accessible via an Internet contact with an Internet accessible service node, wherein the user node interactively communicates with the instance for receiving a plurality of service transmissions from the instance via a first Internet connection, said service transmissions having a plurality of instance presentations transmitted to the user node via the first Internet connection, said instance presentations interleaved with one or more responsive user communications from the user node to said interactive service;

10 first transmitting a sequence of advertising presentations to a user at said user node, wherein said sequence is transmitted on the first Internet connection during an elapsed time of said service transmissions, wherein each advertising presentation of said sequence identifies at least one of a purchasable product and a purchasable service;

wherein an advertising presentation, AP₁, of said sequence is presented as a consequence of one or more particular communications on the first Internet connection between said Internet accessible service node and the user node;

wherein AP₁ is presented to the user during at least one transmission of said service transmissions;

wherein for said advertising presentations transmitted in said step of first transmitting, (a) and (b) following hold:

25 (a) there is at least a second advertising presentation, AP₂, of said sequence wherein: (i) a presenting of AP₂ to the user is purposefully delayed after a presentation of AP₁, and (ii) there is no user input, after a last of said particular communications and during the service transmissions, for which a consequence includes the presenting of AP₂;

(b) presentations of AP₁ and AP₂ are substantially unrelated to said user communications;

wherein at least one of AP₁ and AP₂ includes link data such that when said link data is activated by a user input to said at least one of AP₁ and AP₂, data indicative of said user input is transmitted, via the first Internet connection, to a network node identified by said link data;

wherein a subsequent presentation for presenting to the user is received at the user node and from the network node via the first Internet connection, wherein said subsequent presentation is determined using said data, said subsequent presentation also
35 identifying one of a purchasable product and a purchasable service; and
wherein said subsequent presentation is presented to the user during the first Internet connection.

192 191
193. The method of Claim 192, further including a step of second transmitting of at least one of AP₁ and AP₂ from said Internet accessible service node.

193 192
194. The method of Claim 193, wherein said sequence is transmitted from said Internet accessible service node.

194
195. An apparatus for advertising on a communications network, comprising:
means for first receiving, at a service providing source, a transmission on the communications network from a user node for activating an instance of a user desired service;

5 means for activating the instance for interactively communicating with the user via transmissions on the network between the user node and said service providing source;

means for storing, at said service providing source, status information, wherein said status information provides information identifying that the user is communicating
10 with the instance, and context data used by said service providing source in determining a subsequent response to an additional user node transmission to said instance;

means for first transmitting on the communications network, from said service providing source, and in response to the service providing source receiving the transmission, first information, including first service data of the instance for presenting
15 at the user node;

means for second receiving, by the instance, first data obtained from at least one network transmission, T₁, corresponding to an input to a presentation of said first service information by the user at the user node;

means for accessing said status information for determining said second service
20 information as a response to said first data;

means for second transmitting on the communications network, from said service
providing source, and in response to the service providing source receiving the first data,
second information, including second service data of the instance for presenting at the
user node;

25 means for modifying, at said service providing source, said context data used by
said service providing source in determining a subsequent response to an additional user
node transmission to said instance

means for third transmitting, on the communications network, from the service
providing source, data related to presenting advertising on the user node, wherein the
30 advertising is for one or more of a purchasable product or a purchasable service, and said
data is transmitted to the user node during a time from the transmitting of said first
information to the transmitting of said second information;

wherein as a consequence of said third transmitting, at least a first advertising
presentation and a second advertising presentation of said advertising are displayed on
35 the user node with the second advertising presentation being displayed, on the user node,
after the first advertising presentation by a predetermined delay, and without there being
a user input to the user node that has, as a consequence, the display of the second
advertising presentation and not the first advertising presentation;

wherein at least one of said first and second advertising presentations is: (a)
40 displayed on the user node concurrently during a reception at the user node of a
transmission of one or more of said first and second service data, and (b) includes a
hyperlink.

195
A 196. An apparatus for advertising on a network, comprising:

an advertising source for receiving one or more transmissions on a
communications network, wherein each said transmission provides information that
identifies a user node for a subsequent transmission of advertising information on the
5 network;

an advertising selector accessible by said advertising source for determining first and second advertising related information for presentation to a user at the user node, wherein said first advertising information is to be displayed prior to said second advertising information by at least a predetermined elapsed time, and wherein each of
10 said first and second advertising information is for presenting information related to one or more purchasable products or purchasable services, and each of said first and second advertising information includes a network address of a corresponding network node providing additional information related to the one or more purchasable products or purchasable services for the advertising information;

15 a network interface for transmitting, by said advertising source, said first and second advertising information to the user, wherein said first and second advertising information are transmitted on the network during a presenting to the user, at the user node, of at least one of a plurality of presentations of service information transmitted to the user node, on the network and from a service providing source, wherein:

- 20 (a) said service providing source interactively communicates with the user for transmitting said plurality of presentations on a same user node connection to the network as said advertising source for transmitting said first and second advertising information, wherein for a first and a second of said plurality of presentations, said second presentation is presented on the user node as a
25 response to a network transmission of an input by the user to said first presentation;
- (b) said first and second advertising information are presented to the user at the user node concurrently with at least one of said first and second presentations;
- (c) there is no input by the user, for which a display of the second advertising
30 information at the user node is a consequence and a display of said first advertising information is not a consequence;
- (d) for at least one of said first and second advertising information the user can activate a hyperlink for accessing the corresponding node using its network address.

¹⁹⁶
197. ¹⁹⁵ The apparatus of Claim ¹⁹⁵ 196, wherein said service providing source includes said advertising source.

¹⁹⁷
198. ¹⁹⁵ The apparatus of Claim ¹⁹⁵ 196, wherein said service providing source uses said network interface for transmitting at least one of said presentations of service information.

¹⁹⁸
199. ¹⁹⁵ The apparatus of Claim ¹⁹⁵ 196, wherein said advertising source and said service providing source access user information supplied by a single transmission from the user node.

¹⁹⁹
200. ¹⁹⁵ The apparatus of Claim ¹⁹⁵ 196, wherein said plurality of presentations include responses to plays of a game by the user; and
further including a game play evaluator for receiving data indicative of said plays, and for each play, determining a next response to the play for transmitting to the user.

²⁰⁰
201. The method of Claim 98, further including steps of:
receiving at the providing node said Internet request said interactive service;
storing service activation information at said providing node, wherein said service activation information is related to an activation of said service by the user;
5 updating said service activation information when user data is received that is indicative of said user input;
using said updated service activation information for determining said latter display presentation P₂.

²⁰¹
202. ²⁰⁰ The method of Claim ²⁰⁰ 201, wherein said interactive service includes an instance of a game for generating electronic game tokens for playing the instance, said game tokens played in instance of the game to affect outcomes of the instance.

²⁰²
203. ²⁰¹ The method of Claim ²⁰¹ 202, wherein said instance of a game includes at least one of:

(a) an element of chance;

5 (b) a total number of possible game plays is capable of being determined before playing the game; and

(c) there is an opponent for the user.

²⁰³
1 ~~204~~. The method of Claim ²⁰²~~203~~, wherein said instance is available to the user on a subsequent different Internet ¹connection for continuing to input game plays to the instance.

²⁰⁴
1 ~~205~~. The method of Claim 101, wherein said step of receiving includes performing a transaction for a reservation during said network service.

APPENDIX A

As a representative examples of how the U.S. Provisional Patent Application No. 60/010,703 (also denoted herein as the '703 Provisional) provides support for the pending claims of the present application, the following claim descriptions are provided. In particular, for many of the claims discussed hereinbelow, a table is provided, wherein for each claim having a table, the left hand column of table cells provides the steps of the claim, and the right hand column of table cells identifies corresponding supporting portions from the '703 Provisional. For example, in the discussion of new Claim 104 immediately below, for each claim step, it is recited in a left hand cell, and the adjacent right hand cell (in the same table row) provides support from the '703 Provisional for the claim clause. Note that, in general, most of the support excerpts from the '703 Provisional are labeled with the labels (a) – (f) used in the REMARKS body for identifying such provisional excerpts; i.e., the '703 Provisional excerpts (a) – (f) recited in the section "35 USC 103 Rejections Based on Marsh" of the Remarks for the present amendment and response.

Regarding new Claim 104, the following support from U.S. Provisional Patent Application No. 60/010,703 is supplied (note that all passages cited in the right-hand column of the table below are passages from the '703 Provisional):

Claim 104. A method of advertising on the Internet, comprising:

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| <p>⁽¹⁾ first receiving an activation request, from an Internet accessible user node, ⁽²⁾ for activating an instance of an interactive service accessible via an Internet contact with an Internet accessible service node, wherein the user node interactively communicates with the instance for receiving a plurality of service transmissions from the instance via a first Internet connection, ⁽³⁾ said service transmissions having a plurality of instance presentations transmitted to the user node via the first</p> | <p>⁽¹⁾ E.g., please see Figs. 2 and 3 of the '703 Provisional for support that a user "activates" the network service (e.g., a game playing and advertising website) according to the conventional Internet access technique of having each user request activation. In particular, note that in Fig. 2, the host 10 includes a World Wide Web Server 42, and Fig. 3 shows "a high level flowpath regarding the accessing of web pages of the host computer 10." (page 5, lines 17-18). Accordingly, it is believed that these portions of the '703 Provisional support the initial portion of the "first receiving" step of the present claim.</p> <p>Also, the following passage provides further support for the "first receiving" portion of the present step:</p> <p>"The WORLD WIDE WEB SERVER 42 contains the Common Gateway Interface 46 to transfer the data between the HTML DISPLAY ENGINE 30 and the INTERNET TCP/IP STACK 50 that interfaces with the INTERNET 54 and its (client) END USER Machines 14 that have</p> |
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connection, said instance presentations interleaved with one or more responsive user communications from the user node to said interactive service;

appropriate World Wide Web Browsers 58.” (Page 7 lines 3-7)

(2) E.g., (a) and (b) in the Remarks, e.g.,:

(a) “The present invention is an information exchange system (i.e., method and apparatus) for exchanging information regarding goods and/or services between a first population of users (hereinafter also known as “players”) and a second population of users (hereinafter also known as “sponsors”). In particular, the sponsors may present information related to goods and/or services to the players using the present invention and the players may view this information while interacting with the present invention ...”, and

(b) “Accordingly, in a related aspect of the present invention, it is intended that players are able to interact with the present invention remotely, as for example, via the Internet and/or interactive cable television. ...”

(3) Please see Fig. 3 for the various interactive portions of an embodiment of the website disclosed in ‘703 patent application. In particular, at least each of the following portions of the website representation of Fig. 3 provide multiple interactive presentations: benefits and registration pages 304, the lobby, the games, and the index subsystem 62. The following passages are representative:

“the user may be required to go through the **“LOBBY” page(s)** and thereby be exposed to advertising and/or the opportunity to join a game” (Page 9 lines 13-16). (note that each page is typically considered a different “presentation”) “While playing a game, the user has the ability to link into the advertiser being presented.

(1) During the playing of a card game (e.g., blackjack), *the user may be allowed to review and/or stepwise replay a previous game hands during a current gaming session* as well as, return to the advertisers.” (Page 9, line 22 through page 10, line 2).

“The index page 62 *gives a user the opportunity to click onto a particular organization (e.g., organizations 312) that the user belongs to* or any particular advertiser (e.g., advertisers 316) without going through any games although the user may be required to go through the “LOBBY” page(s) and thereby be exposed to advertising and/or the opportunity to join a game.” (Page 9, lines 10-16)

“Referring now substantially to the alternative embodiment of the present invention in Fig. 2, users may use the present invention to access the INTERNET 54 on a reduced cost or free basis, by using whatever TCP/IP SLIP/PPP package they desire and *registering with the web server 42*. That is, *a user*

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| | <p><i>can sign up or register</i> by dialing into a terminal server with normal serial dialing and log on as a user identified by the identifier "NEW." <i>User "NEW" is then forced into a connection to an enrollment or registration program so he/she can provide information requested by the present invention.</i>" (Page 11, lines 9-18) (Note it is believed typical for registration programs to provide multiple interactive presentations. In fact, Applicant's representative is not aware of any Internet registration program that is not interactive on the Internet.)</p> |
| <p>(1) first transmitting a sequence of advertising presentations to a user at said user node, wherein said sequence is transmitted on the first Internet connection and during an elapsed time of said service transmissions, wherein each advertising presentation of said sequence identifies at least one of a purchasable product and a purchasable service;</p> | <p>(1) e.g., (a), and (f) plus its immediately preceding paragraph, and (c):</p> <p>(a) e.g., "In particular, the sponsors may <i>present information related to goods and/or services to the players using the present invention and the players may view this information while interacting with the present invention for playing a game such as blackjack, craps, roulette, poker, pai gow or the like.</i>"</p> <p>(f) plus its immediately preceding paragraph:</p> <p>"However, upon accessing the host 10, the user accesses basic functionality of the DISPLAY ENGINE 30 that starts up the downloaded daemon 208. <i>The network hosts periodically query each active port on the terminal servers {at the world wide web server 42} to get the IP addresses and then send a short message to the daemon 208</i> which is listening in on a specific port. The DISPLAY ENGINE 30 may also disable access by an end user machine 14 after a certain number of failures.</p> <p>Note that the host 10 <i>periodically sends an item</i> to the downloaded daemon 208 <i>to display</i> {at a user's node}. The daemon then displays <i>the message (advertisement) in the window on the user's screen.</i>" {i.e., since the host 10 periodically sends advertisements, such advertisements are therefore NOT requested}, and</p> <p>(c) "Fig. 2 is a block diagram of an alternative embodiment of the present invention wherein <i>an advertisement sending daemon 204 (on the host computer 10) and an advertisement receiving daemon 208 (on the client end used machine 14) communicate for periodically displaying advertisements</i> and other announcements to a user on the end user machine 14"</p> |
| <p>wherein an advertising presentation, AP₁, of said advertising presentations of the sequence is presented as a consequence of one or more particular communications on the first Internet connection</p> | <p>E.g., (a) and (b). Note that the "one or more particular communications" can be, e.g., a communication from the user node to the service instance (e.g., a game), or from the service instance to the user node. The following passages are illustrative:</p> <p>(i) From the user node to the service instance:</p> <p>"However, upon accessing the host 10, the user accesses basic functionality of the DISPLAY ENGINE 30 that starts</p> |

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| <p>between said Internet accessible service node and the user node;</p> | <p>up the downloaded daemon 208. The network hosts periodically query each active port on the terminal servers to get the IP addresses and then send a short message to the daemon 208 which is listening in on a specific port. <i>The DISPLAY ENGINE 30 may also disable access by an end user machine 14 after a certain number of failures.</i>" (page, 11, line 23 through page 12, line 5). That is, the user node (denoted the "end user machine 14 Figs 1 & 2 of the '703 Provisional) must provide a responsive one or more communications to the host 10 (of the '703 Provisional) for subsequent advertisements to be transmitted.</p> <p>(ii) From the service instance to the user node:</p> <p>(f) "Note that the host 10 periodically sends an item to the downloaded daemon 208 {on the end user machine 14} to display. The daemon then <i>displays the message (advertisement) in the window</i> on the user's screen."</p> <p><u>In addition/alternatively, the "one or more particular communications" may be communications related to registering by the user at the "Internet accessible service node" as illustrated by the following passage of the '703 Provisional:</u></p> <p>"Referring now substantially to the alternative embodiment of the present invention in Fig. 2, users may use the present invention to access the INTERNET 54 on a reduced cost or free basis, by using whatever TCP/IP SLIP/PPP package they desire and registering with the web server 42. That is, <i>a user can sign up or register</i> by dialing into a terminal server with normal serial dialing and log on as a user identified by the identifier "NEW." User "NEW" is then <i>forced into a connection to an enrollment or registration program so he/she can provide information requested by the present invention.</i> When enrollment is completed, the present invention <i>allows the user to download a communications daemon</i> (e.g., ad receiver daemon 208). The user may then install the daemon on their machine and dial-up with their favorite TCP/IP package.</p> <p>However, <i>upon accessing the host 10</i>, the user accesses basic functionality of the DISPLAY ENGINE 30 that starts up the downloaded daemon 208. The network hosts periodically query each active port on the terminal servers {of the world wide web server 42} to get the IP addresses and then send a short message to the daemon 208 which is listening in on a specific port. The DISPLAY ENGINE 30 may also disable access by an end user machine 14 after a certain number of failures." (Page 11, line 9 through page 12, line5)</p> |
| <p>wherein AP₁ is presented to the user during at least one transmission of said service</p> | <p>(f) "Note that the host 10 <u>periodically</u> sends an item to the downloaded daemon 208 {on the end user machine 14} to display. The daemon then <i>displays the message (advertisement) in the</i></p> |

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| transmissions, | <i>window</i> on the user's screen.” In particular, in the ‘703 Provisional, advertisements displayed on the end user machine 14 by the daemon 208 is displayed asynchronously with any interactions a user has with a service being accessed. Accordingly, such advertisements WILL be (as Claim 104 recites to the left) presented to the user during at least one transmission from the service instance. |
| <p>wherein for said advertising presentations transmitted in said step of first transmitting, (a) and (b) following hold:</p> <p>(e) there is at least a second advertising presentation, AP₂, of said sequence wherein: (i) a presenting of AP₂ to the user is purposefully delayed after a presentation of AP₁, and (ii) there is no user input, after a last of said particular communications and during the service transmissions, for which a consequence includes the presenting of AP₂;</p> <p>(f) presentations of AP₁ and AP₂ are substantially unrelated to said user communications;</p> | <p>E.g., (a), (b), and (f) plus the immediately preceding paragraph to (f).</p> <p>(a) “... In particular, the sponsors may <i>present information related to goods and/or services</i> to the players using the present invention and the players may view this information <i>while interacting with the present invention</i> for playing a game such as blackjack, craps, roulette, poker, pai gow or the like. ...”</p> <p>(b) “...players may access the interactive gaming capabilities of the present invention and <i>substantially simultaneously also be presented with sponsor provided information related to goods and/or services</i> of the sponsor. Moreover, <i>the sponsor provided information may include, for example, hypertext links that allow players to activate such a link for obtaining additional information regarding a sponsor's goods and/or services regardless of the status of any game in which a player may be currently involved at the gaming web site..</i>”</p> <p>(f) plus its immediately preceding paragraph:</p> <p>“However, upon accessing the host 10, the user accesses basic functionality of the DISPLAY ENGINE 30 that starts up the downloaded daemon 208. <i>The network hosts periodically query each active port on the terminal servers to get the IP addresses and then send a short message to the daemon 208</i> which is listening in on a specific port. The DISPLAY ENGINE 30 may also disable access by an end user machine 14 after a certain number of failures.</p> <p>Note that the host 10 <i>periodically sends an item to the downloaded daemon 208 to display</i> {at a user's node}. The daemon then displays <i>the message (advertisement) in the window {of the browser 58} on the user's screen</i>’. In particular, since the host 10 periodically sends advertisements, such advertisements are purposefully delayed between their presentations, and are certainly NOT requested, and NOT related to the user communications with the service instance.”</p> |
| wherein at least one of AP ₁ and AP ₂ includes link data such that when said link data is activated by a user input to said at least one of AP ₁ and AP ₂ , | <p>E.g., (b) as in the quote immediately above, (d), and (f):</p> <p>(d) “<i>The user may be provided the ability to link into various web sites or web site pages</i>. The user has the ability to link into another site or page at any time a link is made available (typically a hypertext link). <i>Note that such links are accessible by users both</i></p> |

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| data indicative of said user input is transmitted, via the first Internet connection, to a network node identified by said link data; | <i>while playing a game ... Also note that some advertisements may be interactive with the user wherein the user may perform a transaction such as making a reservation upon accessing the advertisement and a web site or page.</i> |
| second receiving, at the user node and from the network node via the first Internet connection, a subsequent presentation for presenting to the user, wherein said subsequent presentation is determined using said data, said subsequent presentation also identifying one of a purchasable product and a purchasable service; and | e.g., (a) and (b). |
| wherein said subsequent presentation is presented to the user during the first Internet connection. | <p>e.g., (a), (b) and/or (d):</p> <p>(a) "... the sponsors may <u>present information related to goods and/or services</u> to the players using the present invention and the players may view this information <u>while interacting with the present invention</u> for playing a game such as blackjack, craps, roulette, poker, pai gow or the like ...",</p> <p>(b) "...players are able to <u>interact with the present invention</u> remotely, as for example, <u>via the Internet</u> and/or interactive cable television. Thus, using an Internet embodiment as an exemplary embodiment of the present invention, a gaming web site may be provided wherein <u>players may access the interactive gaming capabilities of the present invention and substantially simultaneously also be presented with sponsor provided information related to goods and/or services of the sponsor</u> ...",</p> <p>(d) "...The user may be provided the ability to link into various web sites or web site pages. The user has the ability to link into another site or page at any time a link is made available (typically a hypertext link). <u>Note that such links are accessible by users both while playing a game ...</u>"</p> |

Regarding pending Claim 98, the following support from U.S. Provisional Patent Application No. 60/010,703 is supplied:

Claim 98. A method of advertising on the Internet, comprising:

for each of one or more users accessing the Internet in a corresponding Internet connection for the user, the following steps are performed during said corresponding Internet connection:

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| <p>first transmitting, from the user, a request on the Internet for contacting a providing node of the Internet, said providing node provides access to two or more display presentations for a service with which the user identifies in said request, wherein said request has associated therewith an Internet address for contacting the providing node, and wherein said interactive service is interactive on the Internet with the user;</p> | <p>E.g., (a) and (b). (a) <i>"The present invention is an information exchange system (i.e., method and apparatus) for exchanging information regarding goods and/or services between a first population of users (hereinafter also known as "players") and a second population of users (hereinafter also known as "sponsors"). In particular, the sponsors may present information related to goods and/or services to the players using the present invention and the players may view this information <u>while interacting with the present invention</u> for playing a game such as blackjack, craps, roulette, poker, pai gow or the like. ... Thus, <u>the present invention provides an information exchange service within a gaming context</u> for enticing players to view and/or interact with sponsor presentations."</i> (b) <i>"... it is intended that players are able to <u>interact with the present invention remotely, as for example, via the Internet</u> and/or interactive cable television. Thus, using an Internet embodiment as an exemplary embodiment of the present invention, a gaming web site may be provided wherein <u>players may access the interactive gaming capabilities of the present invention...</u>"</i></p> |
| <p>first receiving, via the providing node, said two or more display presentations for said interactive service;</p> | <p>E.g., (a) and (b) (a) <i>"... the sponsors may present information related to goods and/or services to the players using the present invention and the players may view this information <u>while interacting with the present invention for playing a game such as blackjack, craps, roulette, poker, pai gow or the like. ...</u>"</i> (b) <i>"... it is intended that players are able to <u>interact with the present invention remotely, as for example, via the Internet</u> and/or interactive cable television. Thus, using an Internet embodiment as an exemplary embodiment of the present invention, a gaming web site may be provided wherein <u>players may access the interactive gaming capabilities of the present invention...</u>"</i></p> |
| <p>first presenting said two or more display presentations on at least a portion of a display of a user node by which the user accesses the Internet, wherein at least two of said display presentations, P₁, are successively displayed, and there is a user input to one of said at least two display presentations for a transmission on the Internet to</p> | <p>E.g., (a) and (b). Note, the paragraph of Claim 98 to the left is an aspect of performing an "interactive service" on the Internet.</p> |

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| <p>which a latter of said at least two display presentations, P₂, is a response obtained in said step of receiving;</p> | |
| <p>second presenting, by the user node, overlapping with a display of said one of the display presentations P₁, a first one or more advertising presentations for providing information related to one or more of a product and a service, wherein said first one or more advertising presentations are received via the Internet in response to Internet transmissions by the providing node during said first presenting step, and displayed on at least a portion of said display during said first presenting step;</p> | <p>E.g., (a), (b) and (c).</p> <p>(a) "...the sponsors may <i>present information related to goods and/or services</i> to the players using the present invention and <i>the players may view this information <u>while</u> interacting with the present invention for playing a game such as blackjack, craps, roulette, poker, pai gow or the like</i>. Moreover, a player may also interact with the present invention so that the player has the capability for responding to sponsor presentation questionnaires, as well as for purchasing or viewing sponsor goods and/or services. Thus, the present invention <i>provides an information exchange service <u>within</u> a gaming context</i> for enticing players to view and/or interact with sponsor presentations."</p> <p>(b) "Accordingly, in a related aspect of the present invention, it is intended that players are able to <i>interact with the present invention remotely</i>, as for example, via the Internet and/or interactive cable television. Thus, using an Internet embodiment as an exemplary embodiment of the present invention, a gaming web site may be provided wherein <i>players may access the interactive gaming capabilities of the present invention and <u>substantially simultaneously</u> also be presented with sponsor provided information related to goods and/or services of the sponsor</i>. Moreover, <i>the sponsor provided information may include, for example, hypertext links that allow players to activate such a link for obtaining additional information regarding a sponsor's goods and/or services <u>regardless of the status of any game in which a player may be currently involved at the gaming web site</u></i>."</p> <p>Note that the phrase "overlapping with a display of said one of the display presentations" in the claim paragraph to the left is supported by the passages of (a) and (b) above, wherein the key words are underlined.</p> <p>(c) "Fig. 2 is a block diagram of an alternative embodiment of the present invention wherein an advertisement sending daemon 204 (on the host computer 10) and an advertisement receiving daemon 208 (on the client end used machine 14) communicate <i>for periodically displaying advertisements</i> and other announcements to a user on the end user machine 14"</p> |
| <p>third presenting, by the user node and during said first presenting step, one or more additional advertising</p> | <p>E.g., (b), (c) and (f)</p> <p>(b) "...<i>players may access the interactive gaming capabilities of the present invention and <u>substantially simultaneously</u> also be presented with sponsor provided information related to goods</i></p> |

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| <p>presentations having a predetermined time delay after said step of second presenting is performed, each said additional advertising presentation for providing information related to one of a product and a service, wherein at least one of said additional advertising presentations is:</p> <p>(a) received via the Internet in response to Internet transmissions by the providing node during said first presenting step, and</p> <p>(b) displayed on at least a portion of said display without the user providing an input for which a consequence includes the presenting of said additional advertising presentations and for which said first advertising presentations are not a consequence;</p> | <p><i>and/or services of the sponsor...."</i></p> <p>(c) "Fig. 2 is a block diagram of an alternative embodiment of the present invention wherein an advertisement sending daemon 204 (on the host computer 10) and an advertisement receiving daemon 208 (on the client end used machine 14) communicate <i>for periodically displaying advertisements</i> and other announcements to a user on the end user machine 14"</p> <p>(f) "Note that the host 10 <i>periodically sends an item</i> to the downloaded daemon 208 to display {i.e., advertisements are automatically "pushed" to the user's node}. <i>The daemon then displays the message (advertisement) in the window on the user's screen.</i>"</p> <p>Note that "periodically" in the above passages implies that there is at least a predetermined time delay between the sending of an advertisement item to the user's node.</p> |
| <p>second transmitting, via the Internet, data indicative of an action by the user in response to one of said first and said additional advertising presentations, wherein said data is transmitted: (a) from said user node, and (b) to a destination node of the Internet, said destination node identified at said user node by destination Internet link information used for transmitting said data;</p> | <p>E.g., (b) and (d).</p> <p>(b) "<i>...the sponsor provided information may include, for example, hypertext links that allow players to activate such a link for obtaining additional information regarding a sponsor's goods and/or services regardless of the status of any game in which a player may be currently involved at the gaming web site.</i>"</p> <p>(d) "The user may be provided the ability to link into various web sites or web site pages. The user has the ability to link into another site or page at any time a link is made available (typically a <i>hypertext link</i>). <i>Note that such links are accessible by users both while playing a game</i> and otherwise by, for example, accessing an index page, denoted index 62 (Fig. 3). Also note that <i>some advertisements may be interactive with the user</i> wherein the user may perform a transaction such as making a reservation upon accessing the advertisement and a web site or page."</p> |
| <p>second receiving, via the Internet, another presentation for presenting to the user at said user node, wherein said another presentation is responsive to said action by the</p> | <p>E.g., (d).</p> |

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user.

Regarding pending Claim 99, the following support from U.S. Provisional Patent Application No. 60/010,703 is supplied:

Claim 99. A method of advertising on the Internet, comprising:

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| for each of one or more users accessing the Internet in a corresponding Internet connection for the user, the following steps are performed during said corresponding Internet connection: | <p>E.g., (b) and (d). These passages provide general support for the steps of this claim being performed in a single Internet connection.</p> <p>(b) "...using an Internet embodiment ... players may access the interactive gaming capabilities of the present invention and <u>substantially simultaneously</u> also be <u>presented with</u> sponsor provided <u>information related to goods and/or services</u> of the sponsor. Moreover, the sponsor provided information may include, for example, <i>hypertext links</i> that allow players to activate such a link for obtaining additional information regarding a sponsor's goods and/or services regardless of the status of any game in which a player may be currently involved at the gaming web site."</p> <p>(d) "...The user has the ability to link into another site or page at any time a link is made available (typically a <u>hypertext link</u>). <u>Note that such links are accessible by users</u> both <u>while playing a game</u> and otherwise by, for example, accessing an index page, denoted index 62 (Fig. 3). Also note that <u>some advertisements may be interactive with the user</u> wherein the user may perform a transaction such as making a reservation upon accessing the advertisement and a web site or page."</p> |
| first receiving, at an Internet providing node and from a user node by which the user accesses the Internet, an Internet request for interactive communication with an interactive service, wherein said request has associated therewith an Internet address for contacting the providing node, and wherein said interactive service is interactive on the Internet between said providing node and the user; | E.g., (a) and (b). |
| first providing, by the service, a responsive Internet transmission for (a) and (b) following: (a) displaying a service | E.g., (b). |

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| <p>presentation for said service on at least a portion of a display for the user node, and</p> <p>(b) displaying a first advertising presentation, wherein said first advertising presentation is displayed on at least a portion of said display with said service presentation;</p> | |
| <p>second receiving, by the service, a transmission resulting from a user input to said service presentation during the display of the service presentation;</p> | <p>E.g., (b), also see Figs. 1 and 2 of the '703 Provisional that show embodiments of a website for interactively playing games on the Internet.</p> <p>(b) "Accordingly, in a related aspect of the present invention, it is intended that players are able to <u>interact with the present invention remotely, as for example, via the Internet</u> and/or interactive cable television. Thus, using an Internet embodiment as an exemplary embodiment of the present invention, <u>a gaming web site may be provided wherein players may access the interactive gaming capabilities of the present invention</u> and substantially simultaneously also be presented with sponsor provided information related to goods and/or services of the sponsor.</p> |
| <p>second providing, by the service, a responsive Internet transmission having as a consequence a displaying an additional service presentation for said service on at least a portion of the display for the user node;</p> | <p>E.g., (b).</p> |
| <p>wherein an additional advertising presentation is presented on the display according to (i) and (ii) following:</p> <p>(i) said additional advertising presentation is received via the Internet in response to Internet transmissions by the providing node during the display of one of the service presentations; and</p> <p>(ii) said additional advertising presentation is presented on at least a portion of said display without the user providing an input for</p> | <p>E.g., (f).</p> <p>(f) "Note that the host 10 <u>periodically sends an item</u> to the downloaded daemon 208 to display {at a user's node}. <u>The daemon then displays the message (advertisement) in the window on the user's screen</u>", i.e., since the host 10 periodically sends advertisements, such advertisements are presented "without the user providing an input having a corresponding next response that presents said one or more additional advertising presentations" as the paragraph to left recites.</p> |

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| which a consequence includes the presenting of said additional advertising and for which said first advertising is not a consequence; | |
| wherein at least one of said first and said additional advertising presentations is capable of responding to an action by the user by transmitting, via the Internet, data indicative of said action to a destination Internet node, wherein said destination node is identified by destination Internet link information for contacting said destination node with said data. | E.g., (b). (b) "... Moreover, <i>the sponsor provided information may include, for example, <u>hypertext links</u> that allow players to activate such a link for obtaining additional information regarding a sponsor's goods and/or services regardless of the status of any game in which a player may be currently involved at the gaming web site.</i> " |

Regarding pending Claim 100, this claim is similar to Claim 98, and accordingly Claim 100 is believed to be supported by the U.S. Provisional Patent Application No. 60/010,703 filed Jan. 26,1996.

Regarding pending Claim 101, the following support from U.S. Provisional Patent Application No. 60/010,703 is supplied:

Regarding pending Claim 102, the following support from U.S. Provisional Patent Application No. 60/010,703 is supplied:

Claim 102. A method of providing a presentation on a network, comprising

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| ⁽¹⁾ activating, by a user at a network user node, a network service which is at least partially performed at a first network node during an on-line connection to the network, ⁽²⁾ wherein one or more interactive service presentations are presented to the user at the user network node during the on-line | ⁽¹⁾ E.g., please see Figs. 2 and 3 for support that a user "activates" the network service (i.e., a game playing and advertising website) according to the conventional Internet access technique of having each user request activation. In particular, note that in Fig. 2 the host 10 includes a World Wide Web Server 42, and Fig. 3 shows "a high level flowpath regarding the accessing of web pages of the host computer 10." (page 5, lines 17-18). Accordingly, it is believed that these portions of the '703 Provisional support at the initial portion of the "activating" step of the present claim. ⁽²⁾ (a) and (b): (a) "The present invention is an information exchange system |
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| network connection for performing the network service and an interactive content is provided at the network user node by a plurality said service presentations, said content concerning the service; | <p>(i.e., method and apparatus) <u>for exchanging information regarding goods and/or services</u> between a first population of users (hereinafter also known as "players") and a second population of users (hereinafter also known as "sponsors"). In particular, the sponsors may <u>present information related to goods and/or services</u> to the players using the present invention and the players may view this information <u>while interacting with the present invention ...</u>, and</p> <p>(b) "Accordingly, in a related aspect of the present invention, it is intended that players are able to <u>interact with the present invention remotely, as for example, via the Internet</u> and/or interactive cable television. ...</p> |
| receiving, at the first network node and during the activation of the network service , network transmissions from the user node for one or more interactions between the user and said interactive service presentations concerning said interactive content; | E.g., (a) and (b). |
| responding, by the first network node, to at least one of said network transmissions prior to receiving some next one of said network transmissions from the user; | <p>E.g., the following passages of the '701 Provisional:</p> <p>(a) "...the sponsors may present information related to goods and/or services to the players using the present invention and the players may view this information <u>while interacting with the present invention for playing a game such as blackjack, craps, roulette, poker, pai gow or the like.</u> ..."</p> <p>(b) "<u>...players may access the interactive gaming capabilities of the present invention</u> and <i>substantially simultaneously</i> also be presented with sponsor provided information related to goods and/or services of the sponsor. ..."</p> <p>Additionally, the following passages is indicative of "the first network node" (e.g., Internet website) interacting with a user (e.g., player): "The selected advertisement data is joined in the HTML DISPLAY ENGINE 30 (at least in one operation of the present invention) with <u>a gaming card representation 36 that has been issued by the CARD DEALER (module) 34 and supplied initially to the GAME PLAY ENGINE 38 for processing user gaming requests</u> and where the rules of each game determine: (a) how each card (representation) may be "played" and (b) the result of the user's decisions with respect to the card (representation)." (page 7, lines 3-10)</p> |
| ⁽¹⁾ determining a particular first and second of a plurality of advertising presentations | ⁽¹⁾ In a first embodiment of the invention, advertisements are provided or joined with an "interactive service presentation", the following passage provides support: "Depending upon the |

wherein said advertising presentations are used for presenting to the user information about at least one of a product and a service, ⁽²⁾ and wherein said first particular presentation includes network link data for identifying another presentation, said network link data associated with a corresponding one or more positions on a display of said particular first presentation;

specifications of each advertiser, the users are matched with the advertisements by the ADVERTISER SELECTION ENGINE 26 that then supplies selected advertisements into the HTML DISPLAY ENGINE 30 for translating this data for inclusion in an HTML document." (Page 6, line 19 through page 7, line 2)

In a second embodiment of the invention, advertisements are provided substantially asynchronously and unrequestedly to a user (player), wherein the users are matched with advertisements as in the above invention aspect. Support for this is found in, e.g., Fig. 2 in that: (i) Fig. 2 shows the components for asynchronously transmitting advertisements to the user, and (ii) all the components of Fig. 1 (which illustrates the above first embodiment) are also illustrated in Fig. 2, and in particular, the ADVERTISER SELECTION ENGINE 26 is shown in Fig. 2.

It is important to note that the '703 Provisional discloses that the host 10 embodiment of Fig. 2 is an Internet Service Provider wherein Internet access is provided on a reduced cost or free basis in exchange for allowing the host 10 to present advertising to the user. Accordingly, support for at least the present claim is provided by the fact that there were a substantial number of interactive websites at the time the '703 Provisional was filed. Thus, the "network service" of the present claim can be, e.g., ANY interactive Internet service available on the Internet to which a user connects via the host 10 as its Internet Service Provider. Support for this in the '703 Provisional is found in the following passage (Page 12, line 6 through page 13, line 8):

"Referring now substantially to the alternative embodiment of the present invention in Fig. 2, users may use the present invention to access the INTERNET 54 on a reduced cost or free basis, by using whatever TCP/IP SLIP/PPP package they desire and registering with the web server 42. That is, a user can sign up or register by dialing into a terminal server with normal serial dialing and log on as a user identified by the identifier "NEW." User "NEW" is then forced into a connection to an enrollment or registration program so he/she can provide information requested by the present invention. When enrollment is completed, the present invention allows the user to download a communications daemon (e.g., ad receiver daemon 208). The user may then install the daemon on their machine and dial-up with their favorite TCP/IP package.

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| | <p>However, <u>upon accessing the host 10, the user accesses basic functionality of the DISPLAY ENGINE 30 that starts up the downloaded daemon 208. The network hosts periodically query each active port on the terminal servers to get the IP addresses and then send a short message to the daemon 208 which is listening in on a specific port.</u> The DISPLAY ENGINE 30 may also disable access by an end user machine 14 after a certain number of failures.</p> <p>Note that the host 10 periodically sends an item to the downloaded daemon 208 to display. <u>The daemon then displays the message (advertisement) in the window on the user's screen."</u></p> <p>(2) E.g., (b). (b) "<u>... the sponsor provided information may include, for example, <i>hypertext links</i> that allow players to activate such a link for obtaining additional information regarding a sponsor's goods and/or services</u> regardless of the status of any game in which a player may be currently involved at the gaming web site."</p> |
| providing, for display concurrently with a display of at least some said interactive content of the service presentations at the network user node, said particular advertising presentation[,]; | <p>E.g., the following passages of the '701 Provisional:</p> <p>(b) "... Thus, using an Internet embodiment as an exemplary embodiment of the present invention, a gaming web site may be provided wherein <u>players may access the interactive gaming capabilities of the present invention and substantially simultaneously also be presented with sponsor provided information related to goods and/or services of the sponsor. ...</u>"</p> <p>Additionally, the following passage provides support: "<u>The selected advertisement data is joined in the HTML DISPLAY ENGINE 30 (at least in one operation of the present invention) with a gaming card representation 36 that has been issued by the CARD DEALER (module) 34 and supplied initially to the GAME PLAY ENGINE 38 for processing user gaming requests</u> and where the rules of each game determine: (a) how each card (representation) may be "played" and (b) the result of the user's decisions with respect to the card (representation)." (page 7, lines 3-10)</p> |
| wherein said step of providing includes a substep of transmitting said particular first advertising presentation wherein, said particular first advertising presentation is received during a display of one of said interactive service presentations to the user, | <p>E.g., (a), and (f) plus its immediately preceding paragraph, and (c):</p> <p>(a) e.g., "In particular, the sponsors may <i>present information related to goods and/or services to the players using the present invention and the players may view this information while interacting with the present invention for playing a game such as blackjack, craps, roulette, poker, pai gow or the like.</i>"</p> <p>(f) plus its immediately preceding paragraph: "However, upon accessing the host 10, the user accesses</p> |

wherein said particular first advertising presentation is transmitted as a consequence of one or more communications on the on-line network connection from the first network node to the user node;

basic functionality of the DISPLAY ENGINE 30 that starts up the downloaded daemon 208. *The network hosts periodically query each active port on the terminal servers to get the IP addresses and then send a short message to the daemon 208* which is listening in on a specific port. The DISPLAY ENGINE 30 may also disable access by an end user machine 14 after a certain number of failures.

Note that the host 10 *periodically sends an item* to the downloaded daemon 208 *to display* {at a user's node}. The daemon then displays *the message (advertisement) in the window on the user's screen.* {i.e., since the host 10 periodically sends advertisements, such advertisements are therefore NOT requested}, and

(c) "Fig. 2 is a block diagram of an alternative embodiment of the present invention wherein *an advertisement sending daemon 204 (on the host computer 10) and an advertisement receiving daemon 208 (on the client end used machine 14) communicate for periodically displaying advertisements* and other announcements to a user on the end user machine 14"

In addition/alternatively, the "one or more communications" may be communications related to registering by the user at the "first network node" as illustrated by the following passage of the '703 Provisional:

"Referring now substantially to the alternative embodiment of the present invention in Fig. 2, users may use the present invention to access the INTERNET 54 on a reduced cost or free basis, by using whatever TCP/IP SLIP/PPP package they desire and registering with the web server 42. That is, *a user can sign up or register* by dialing into a terminal server with normal serial dialing and log on as a user identified by the identifier "NEW." User "NEW" is then *forced into a connection to an enrollment or registration program so he/she can provide information requested by the present invention.* When enrollment is completed, the present invention *allows the user to download a communications daemon* (e.g., ad receiver daemon 208). The user may then install the daemon on their machine and dial-up with their favorite TCP/IP package.

However, *upon accessing the host 10*, the user accesses basic functionality of the DISPLAY ENGINE 30 that starts up the downloaded daemon 208. The network hosts periodically query each active port on the terminal servers {of the world wide web server 42} to get the IP addresses and then send a short message to the daemon 208 which is listening in on a specific port. The DISPLAY ENGINE 30 may also disable access by an end user machine 14 after a certain number of failures." (Page 11, line 9 through page 12, line5)

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| <p>wherein (i) and (ii) following: (i) a display to the user of said particular second advertising presentation is purposefully delayed after said particular first advertising presentation, and (ii) there is no user input, after said display of said particular first advertising presentation, for which a consequence includes a display of said particular second advertising presentation to the user;</p> | <p>(a) "... In particular, the sponsors may <i>present information related to goods and/or services</i> to the players using the present invention and the players may view this information <i>while interacting with the present invention</i> for playing a game such as blackjack, craps, roulette, poker, pai gow or the like. ..."</p> <p>(b) "...players may access the interactive gaming capabilities of the present invention and <i>substantially simultaneously also be presented with sponsor provided information related to goods and/or services</i> of the sponsor. Moreover, <i>the sponsor provided information may include, for example, hypertext links that allow players to activate such a link for obtaining additional information regarding a sponsor's goods and/or services regardless of the status of any game in which a player may be currently involved</i> at the gaming web site.."</p> <p>(f) plus its immediately preceding paragraph: "However, upon accessing the host 10, the user accesses basic functionality of the DISPLAY ENGINE 30 that starts up the downloaded daemon 208. <i>The network hosts periodically query each active port on the terminal servers to get the IP addresses and then send a short message to the daemon 208</i> which is listening in on a specific port. The DISPLAY ENGINE 30 may also disable access by an end user machine 14 after a certain number of failures. Note that the host 10 <i>periodically sends an item</i> to the downloaded daemon 208 <i>to display</i> {at a user's node}. The daemon then displays <i>the message (advertisement) in the window {of the browser 58} on the user's screen.</i>"</p> <p>In particular, since the host 10 periodically sends advertisements, such advertisements are purposefully delayed between their presentations, and are certainly NOT requested, and NOT related to the user communications with the service instance.</p> |
| <p>wherein said display of said particular first advertising presentation is activated for transmitting, on said on-line network connection, said another presentation to the user when the user provides an input identifying one of said one or more positions on a display of said particular first presentation, and wherein said interactive content is substantially unaffected by which of said advertising presentations.</p> | <p>E.g., the following support is offered: (b) "... <u>the sponsor provided information may include, for example, hypertext links that allow players to activate such a link for obtaining additional information regarding a sponsor's goods and/or services regardless of the status of any game</u> in which a player may be currently involved at the gaming web site."</p> <p>Additionally, the passage below is indicative of the claim language: "said interactive content (e.g., an interactive game play presentation) is substantially unaffected by which of said advertising presentations is identified in said step of determining said particular presentation":</p> <p>(i) In both first and second embodiments discussed above regarding the "determining" step of the present claim: <u>"The selected advertisement data is joined in the HTML DISPLAY ENGINE 30 (at least in one operation</u></p> |

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| | <p>of the present invention) <u>with a gaming card representation 36 that has been issued by the CARD DEALER (module) 34 and supplied initially to the GAME PLAY ENGINE 38 for processing user gaming requests</u> and where the rules of each game determine: (a) how each card (representation) may be "played" and (b) the result of the user's decisions with respect to the card (representation)." (page 7, lines 3-10) That is, such "joining" does not substantially affect the playing of the game.</p> <p>(ii) Regarding the second embodiment there is the following '701 Provisional passage: "Note that the host 10 <u>periodically sends an item</u> to the downloaded daemon 208 to display [at a user's node]. <u>The daemon then displays the message (advertisement) in the window on the user's screen.</u>" (Page 12, lines 6-9). Note that such periodic presentations that are NOT joined to a host 10 response to a user, and accordingly would make any interactive service (e.g., a game such as blackjack, craps, roulette, poker, pai gow) unusable by the user. Moreover, note that further support that such periodic presentations are not joined to a host 10 response is evidenced by the fact that in the immediately above cited '701 Provisional passage, the "message (advertisement)" is provided to the downloaded daemon 208 which is not required in the first embodiment of Fig. 1 in that advertisements are only joined to service (e.g., game) responses in the first embodiment.</p> |
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Regarding pending Claim 103, the following support from U.S. Provisional Patent Application No. 60/010,703 is supplied:

103. A method as claimed in Claim 102, wherein said step of activating includes one of:

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| (a) activating an instance of a game as at least a portion of the network service, and | E.g., (a) from the list of '703 Provisional passages in the REMARKS. |
| (b) accessing a first Internet site as said first network node, wherein a second Internet site different from said first Internet site performs said step of providing. | Support for this portion of Claim 103 is found in the passage of the '703 Provisional from page 12, line 6 through page 13, line 8' discussed in the comments for the determining step of Claim 102. |